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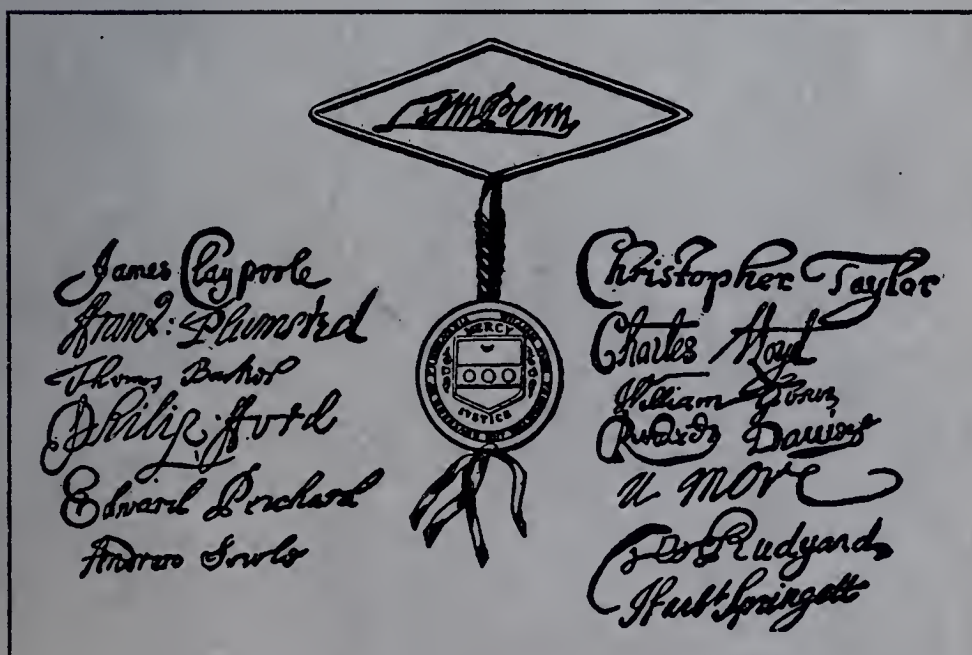
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Charter of King Charles II of England and William Penn's Frames of Government for Pennsylvania

Bulletin 506

LESTER K. ADE

Superintendent of Public Instruction



Commonwealth of Pennsylvania
DEPARTMENT OF PUBLIC INSTRUCTION
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Charter of
King Charles II of England
and
William Penn's Frames of Government
for Pennsylvania

INCLUDING

HISTORICAL NOTES ON WILLIAM PENN, FOUNDER,
MASTER BUILDER, AND STATESMAN

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC INSTRUCTION
State Library and Museum
Harrisburg, 1939

THE SEED OF A NATION

“It is a clear and just thing, and my God that has given it me through many difficulties, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it be well laid at first.” *From William Penn’s letter to Robert Turner, March, 1681.*

“You are now fixed at the mercy of no governor that comes to make his fortune great; you shall be governed by laws of your own making and live a free, and if you will, a sober and industrious life. I shall not usurp the right of any, or oppress his person. God has furnished me with a better resolution and has given me His grace to keep it. . . .” *From William Penn’s letter to the Dutch and Swedes in Pennsylvania.*



John W. L. W. L.

FOREWORD

The most precious, revered, and sacred object that may be found in the State Museum of Pennsylvania is the original manuscript in the handwriting of William Penn of his Frame of Government for Pennsylvania. In the same vault is shown the beautifully hand-engrossed and impressive looking vellum sheets of the Charter of King Charles II to William Penn, which grants to "William Penn and his heirs forever" a certain territory in the New World, therein named Pennsylvania, which, we now know, comprised 45,000 square miles.

In compliance with frequent requests from teachers, students, and interested visitors to the Pennsylvania State Museum, for printed copies of the Charter of King Charles II of England and the Penn Frames of Government for Pennsylvania we have prepared this printing and have ventured to append a few comments, with the hope that they may invite the reader to further study.

The study of these documents of such supreme historical import must inspire and vitalize the spirit of virile and intelligent patriotism which preserves our national ideals and liberties. No great historic character and no document more richly rewards intensive study.

LESTER K. ADE

Superintendent of Public Instruction

May, 1939

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**Charter of King Charles II of Eng-
land and William Penn's Frames
of Government for Pennsylvania**

I. CHARTER OF KING CHARLES II OF ENGLAND TO WILLIAM PENN

(Signed March 4, 1681)

CHARLES THE SECOND, BY THE GRACE OF GOD King of England, Scotland, France and Ireland, defender of the faith, &c., To all to whome these presents shall come GREETING. Whereas our Trustie and well beloved Subject, William Penn, Esquire, sonn and heire of Sir William Penn, deceased, out of a commendable desire to enlarge our English Empire, and promote such usefull comodities as may bee of benefitt to us and our Dominions, as alsoe to reduce the Savage Natives by gentle and just manners to the love of civill Societie and Christian Religion hath humbley besought leave of vs to transport an ample colonie vnto a certaine Countrey hereinafter described in the partes of America not yet cultevated and planted. And hath likewise humbley besought our Royall majestie to give grant, and confirme all the said countrey with certaine priviledges and Jurisdiccons requisite for the good Government and saftie of the said Countrey and Colonie, to him and his heires forever. KNOW YEE, therefore, that wee, favouring the petition and good purpose of the said William Penn, and haveing regard to the memorie and meritts of his late father, in divers services, and perticularly to his conduct, courage and discretion vnder our dearest brother, James Duke of Yorke, in that signall battell and victorie, fought and obteyned against the Dutch fleete, comanded by the Heer Van Opdam, in the yeare One thousand six hundred sixtie five, in consideration thereof of our special grace, certaine knowledge and meere motion, Have given and granted, and by this our present Charter, for vs, our heires and sucessors, Doe give and grant unto the said William Penn, his heires and assignes all that tract or parte of land in America, with all the Islands therein conteyned, as the same is bounded on the East by Delaware River, from twelve miles distance, Northwarde of New Castle Towne unto the three and fortieth degree of Northern latitude if the said River doeth extend soe farre Northwards; But if the said River shall not extend soe farre Northward, then by the said River soe farr as it doth extend, and from the head of the said River the Easterne bounds are to bee determined by a meridian line, to bee drawn from the head of the said River vnto the said three and fortieth degree, the said lands to extend Westwards, five degrees in longitude, to bee computed from the said Easterne Bounds, and the said lands to bee bounded on the North, by the beginning of the three and fortieth degree of Northern latitude, and on the south, by a circle drawne at twelve miles, distance from New Castle Northwards, and Westwards vnto the begining of the fortieth degree of Northerne Latitude; and then by a streight line Westwards, to the limit of Longitude above menconed. WEE DOE alsoe give and grant vnto

the said William Penn, his heires and assignes, the free and vndisturbed vse, and continuance in and passage into and out of all and singular Ports, harbours, Bayes, waters, rivers, Isles and Inletts, belonging vnto or leading to and from the Countrey, or Islands aforesaid; and all the soyle, lands, fields, woods, vnderwoods, mountaines, hills, fenns, Isles, Lakes, Rivers, waters, rivulets, Bays and Inletts, scituate or being within or belonging vnto the Limitts and Bounds aforesaid together with the fishing of all sortes of fish, whales, sturgeons, and all Royall and other fishes in the sea, bayes, Inletts, waters or Rivers, within the premises, and the fish therein taken, and alsoe all veines, mines and quarries, as well discovered as not discovered, of Gold, Silver, Gemms and pretious Stones, and all other whatsoever, stones, metall, or of any other thing or matter whatsoever, found or to bee found within the Countrey, Isles, or Limitts aforesaid; and him the said William Penn, his heires and assignes, WEE DOE, by this our Royall Charter, for vs, our heires and successors, make, create and constitute the true and absolute proprietaries of the Countrey aforesaid, and of all other, the premises, saving always to vs, our heires and successors, the faith and allegiance of the said William Penn, his heires and assignes, and of all other, the proprietaries tenants and Inhabitants that are, or shall be within the Territories and precincts aforesaid; and saving alsoe vnto vs, our heires and Successors, the Sovreignty of the aforesaid Countrey, TO HAVE, hold and possesse and enjoy the said tract of Land, Countrey, Isles, Inletts and other the premises, vnto the said William Penn, his heires and assignes, to the only proper vse and behoofe of the said William Penn, his heirs and assignes forever. To bee holden of vs, our heires and Successors, Kings of England, as of our Castle of Windsor, in our County of Berks, in free and comon socage by fealty only for all services, and not in Capite or by Knights service, Yeelding and paying therefor to us, our heires and Successors, two Beaver Skins to bee delivered att our said Castle of Windsor, on the first day of January, in every yeare; and also the fifth parte of all Gold and silver Oare, which shall from time to time happen to bee found within the Limitts aforesaid, cleare of all charges, and of our further grace certaine knowledge and meere mocon, wee have thought fit to Erect, and wee doe hereby Erect the aforesaid Countrey and Islands, into a province and Seigniorie, and doe call itt Pensilvania, and soe from henceforth wee will have itt called, and forasmuch as wee have hereby made, and ordeyned the aforesaid William Penn, his heires and assignes, the true and absolute Proprietaries of all the Lands and Dominions aforesaid. KNOW YEE therefore, that wee reposing special trust and confidence in the fidelitie, wisdom, Justice and provident circumspeccon of the said William Penn, for vs, our heires and successors, Doe grant free, full and absolute power, by vertue of these presents to him and his heirs, and to his and their Deputies, and Lieutenants, for the good and happy government of the said Countrey, to ordeyne, make, enact and vnder his and their Seales to publish any Lawes whatsoever, for the raising of money for the publick vse of the said province, or for any other end apperteyning either vnto the

publick state peace, or safety of the said Countrey, or vnto the private vtility of perticular persons, according vnto their best discretions, by and with the advice, assent and approbacon of the freemen of the said Countrey, or the greater parte of them, or of their Delegates or Deputies, whom for the Enacting of the said Lawes, when, and as often as need shall require. WEE WILL, that the said William Penn, and his heires shall assemble in such sort and forme as to him and them shall seeme best, and the same lawes duely to execute vnto, and upon all people within the said Countrey and limitts thereof; and WEE doe likewise give and grant unto the said William Penn, and his heires, and to his and their Deputies and Lieutenants, such power and authorities to appoint and establish any Judges, and Justices, magistrates and officers whatsoever, for what causes soever, for the probates of wills and for the granting of administracons within the precincts aforesaid, and with what power soever, and in such forme as to the said William Penn, or his heires, shall seeme most convenient. Alsoe to remitt, release, pardon and abolish, whether before Judgement or after, all crimes and offences, whatsoever committed within the said Countrey, against the said Lawes, treason and wilfull and malicious murder onely excepted; and in those cases, to grant reprieves untill our pleasure may bee knowne therein, and to doe all and every other thing and things which vnto the compleate establishment of Justice vnto Courts and Tribunalls, formes of Judicature and manner of proceedings doe belong, altho' in these presents expresse mencon bee not made thereof; and by Judges by them delegated to award processe, hold pleas and determine in all the said Courts and Tribunalls, all accons, suits and causes whatsoever, as well crinnall as civill, personall, reall and mixt, which Lawes soe as aforesaid, to bee published, Our pleasure is, and soe Wee enjoyne require and comand shall bee most absolute and avaylable in law, and that all the Liege people and Subjects of vs, our heires and successors, doe observe and keepe the same inviolable in those partes, soe farr as they concerne them, vnder the paine therein expressed, or to bee expressed. Provided; Nevertheles, that the said Lawes bee consonant to reason, and bee not repugnant or contrarie, but as neere as conveniently may bee agreeable to the Lawes, statutes and rights of this our Kingdome of England, and saveing and reserving to vs, our heires and successors, the receiving, heareing and determining of the appeale and appeales, of all or any person or persons, of, in or belonging to the territories aforesaid, or touching any Judgement to bee there made or given.— And forasmuch as in the Government of soe great a Countrey, sudden accidents doe often happen, whereunto itt will bee necessarie to apply a remedie before the freeholders of the said Province, or their Delegates or Deputies can bee assembled to the makeing of Lawes, nei- their will itt be convenient that instantly vpon every such emergent occasion, soe greates a multitude should be called together. Therefore, for the better Government of the said Countrey, WEE WILL, and ordeyne, and by these presents for vs, our heires and successors, Doe grant vnto the said William Penn, and his heires, by themselves

or by their magistrates and officers, in that behalfe, duely to bee ordeyned as aforesaid, to make and constitute, fitt and wholesome ordinances from time to time within the said Countrey, to bee kept and observed as well for the preservacon of the peace, as for the better government of the people there inhabiting, and publickly to notifie the same, to all persons whome the same doeth or any way may concerne, which ordinances our will and pleasure is, shall be observed inviolably within the said Province, vnder paines therein to bee expressed, soe as the said ordinances bee consonant to reason and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our kingdome of England, and soe as the said ordinances be not extended in any sort to bind, charge or take away the right or interest of any person or persons, for or in their life, members, freehold, goods or Chattells; and our further will and pleasure is, that the Lawes for regulateing and governing of propertie, within the said Province, as well for the descent and enioyment of lands, as likewise for the enioyment and succession of goods and Chattells, and likewise as to felonies, shall bee and continue the same as shall bee for the time being, by the generall course of the Law in our Kingdome of England, vntill the said Lawes shall bee altered by the said William Penn, his heires or assignes, and by the freemen of the said Province, their Delegates or Deputies, or the greater part of them. And to the End the said William Penn, or heires, or other, the Planters, Owners or Inhabitants of the said Province, may not att any time hereafter, by misconstrucon of the powers aforesaid, through inadvertiencie or designe, depart from that faith and due allegiance which by the Lawes of this our Realme of England, they and all our subiects, in our Dominions and Territories, always owe vnto vs, our heires and successors, by colour of any extent or largenesse of powers hereby given, or pretended to bee given, or by force or colour of any lawes hereafter to bee made in the said Province, by virtue of any such powers. Our further will and pleasure is, that a transcript or Duplicate of all lawes which shall bee soe as aforesaid, made and published within the said province, shall within five yeares after the makeing thereof, be transmitted and delivered to the privy Councell, for the time being, of vs, our heires and successors; and if any of the said Lawes within the space of six moneths, after that they shall be soe transmitted and delivered, bee declared by vs, our heires and successors in our or their privy Councell, inconsistent with the sovereignty or lawfull prerogative of vs, our heirs or successors, or contrary to the faith and allegiance due by the legall Government of this realme, from the said William Penn, or his heires, or of the Planters and Inhabitants of the said province; and that therevpon any of the said Lawes shall bee adiuged and declared to bee void by vs, our heires or successors, vnder our or their Privy Seale, that then, and from thenceforth such Lawes concerning which such Judgement and declaracon shall bee made, shall become voyd, otherwise the said lawes soe transmitted, shall remaine and stand in full force according to the true intent and meaneing thereof. Furthermore,

that this new Colony may the more happily increase, by the multitude of people resorting thither: THEREFORE, WEE, for vs, our heires and successors, doe give and grant by these presents, power licence and libertie vnto all the liege people and subjects, both present and future of vs, our heires and successors, excepting those who shall bee especially forbidden, to transport themselves and families vnto the said Countrey, with such convenient shipping, as by the lawes of this, our kingdome of England, they ought to vse with fitting provisions paying only the customes therefore due, and there to settle themselves, dwell and inhabitt and plant for the publick and their own private advantage; AND FURTHERMORE, that our subiects may bee the rather encouraged to undertake this expedicon with ready and cheerfull mindes. KNOW YEE, that wee of our especial grace certaine knowledge and meere mocon, Doe give and grant by vertue of these presents, as well vnto the said William Penn and his heires, as to all others who shall from time to time repaire vnto the said Countrey, with a purpose to inhabitt there, or to trade with the natives of the said Countrey, full license to lade and freight in any Ports whatsoever of vs, our heires and successors, according to the lawes made, or to be made within our kingdome of England, and into the said Countrey, by them, their servants or assignes, to transport all and singular their wares, goods and merchandizes, as likewise, all sorts of graine whatsoever, and all other things whatsoever necessary for food or cloathing, not phibited by the lawes and Statutes of our kingdomes and Dominions, to be carryed out of the said kingdomes without any lett or molestacon of vs, our heires and successors, or of any the officers of vs, our heires and successors, saving alwayes to vs, our heires and successors, the legall impossitions, customes and other duties and payments for the said wares and merchandize, by any law or statute due or to be due to vs, our heires and successors. AND WEE DOE further for vs, our heirs and Successors, give and grant vnto the said William Penn, his heires and assignes, free and absolute power to Divide the said Countrey, and Islands, into Townes, Hundreds and Counties, and to erect and incorporate Townes into Borroughs, and Borroughs into Citties, and to make and constitute ffaires and marketts therein, with all other convenient privileges and immunities according to the meritt of the inhabitants, and the ffitnes of the places; & to doe all and every other thing and things touching the premises which to him or them shall seeme requisite, and meet, albeit they be such as of their owne nature might otherwise require a more especiall comandment and warrant, then in these presents is expressed. WEE WILL ALSOE, and by these presents for vs, our heires and successors, WEE doe give and grant licence by this our charter, vnto the said William Penn, his heires and assignes, and to all inhabitants and dwellers in pvince aforesaid, both present, and to come to import or vnlade by themselves or their Servants, ffactors or assignes, all merchandizes and goods whatsoever, that thall arise of the fruites and comodities of the said province, either by Land or Sea, into any of the Ports of vs,

our heires and successors, in our kingdome of England, and not into any other countrey whatsoever. And WEE give him full power to dispose of the said goods in the said ports, and if need bee, within one yeare next after the unladeing of the same, to lade the said merchandizes and goods again into the same or other shippes, and to export the same into any other Countreys, either of our Dominions or fforreigne, according to lawe: PROVIDED alwayes, that they pay such, customes and imposicons, subsidies and duties for the same to vs, our heires and successors, as the rest of our subiects of our kingdome of England, for the time being shall be bound to pay, and doe observe the acts of Navigation and other lawes in that behalfe made. AND FURTHERMORE, of our more ample and especiall grace, certain knowledge and meere motion, WEE DOE, for vs, our heires and successors, Grant vnto the said William Penn, his heires and assignes, full and absolute power and authoritie, to make, erect and constitute within the said province, and the Isles and Isletts aforesaid, such and soe many Seaports, harbours, Creeks, Havens, Keyes and other places, for discharge and vnladeing of goods, & merchandize out of the shippes, boates and other vessells, and Ladeing them in such and soe many places, and with such rights, Jurisdiccions, liberties and priviledges unto the said ports, belonging as to him or them, shall seeme most expedient, and that all and singuler the shippes, boates and other vessells, which shall come for merchandize and trade, vnto the said pvnce, or out of the same shall depart, shall be laden or vnladen onely att such ports as shall be erected and constituted by the said William Penn, his heires and assignes, any vse, custome or other thing to the contrary notwithstanding: PROVIDED, that the said William Penn and his heires, and the Lieutenants and Governors for the time being, shall admitt and receive in and about all such ports, havens, Creeks and Keyes, all officers and their Deputies, who shall from time to time be appointed for that purpose, by the ffarmers or Comissioners of our customes, for the time being. AND WEE DOE further appoint and ordaine, and by these presents for vs, our heires and successors, WEE DOE grant vnto the said William Penn, his heires and assignes, that he the said William Penn, his heires and assignes, may from time to time forever, have and enioy the customes and subsidies in the ports, harbours and other Creeks, and places aforesaid, within the pvnce aforesaid, payable or due for merchandizes and wares, there to be laded and vnladed, the said customes and subsidies to be reasonably assessed, vpon any occasion by themselues, and the people there as aforesaid, to be assembled to whom WEE give power, by these presents for vs, our heires and successors, vpon iust cause, and in a due pporcon, to asseesse and impose the same, saveing vnto vs, our heires and successors, such imposcons and customes as by act of parliament are and shall be appointed; and it is our further will and pleasure, that the said William Penn, his heires and assignes, shall from time to time constitute and appoint an attorney or agent, to reside in or neare our City of London, who shall make knowne the place where he shall dwell or may be found, vnto the Clerks of Our privy Counsell, for the time

being, or one of them, and shall be ready to appeare in any of our Courts att Westminster, to answer for any misdemeanors that shall be comitted, or by any wilfull default .or neglect pmitted by the said William Penn, his heires or assignes, against our Lawes of Trade or Navigacon, and after it shall be ascertained in any of our said Courts, what damages WEE or our heires or successors shall haue sustained, by such default or neglect, the said William Penn, his heires and assignes, shall pay the same within one yeare after such taxacon and demand thereof, from such attorney, or in case there shall be noe such attorney, by the space of one yeare, or such attorney shall not make payment of such damages, within the space of one yeare, and answer such other forfeitures and penalties within the said time, as by the acts of parliament in England, are or shall be pvided, according to the true intent and meaning of these presents; Then it shall be lawfule for vs, our heires and successors, to seize and Resume the government of the said pvince or Countrey, and the same to retaine untill payment shall be made thereof. But notwithstanding any such seizure or resumption of the Government, nothing concerening the propriety or ownership of any Lands, Tenements or other hereditaments, or goods, or chattels of any of the adventurers, Planters or owners, other then the respective offenders there, shall be any way affected or molested thereby: PROVIDED alwayes, and our will and pleasure is that neither the said William Penn, nor his heires, nor any other the inhitants of the said pvince, shall at any time hereafter haue or maintain any correspondence with any other king, prince or State, or with any of theirie subiects, who shall then be in warr against vs, our heires or successors; Nor shall the said William Penn, or his heires, or any other the inhabitants of the said pvince, make warre or doe any act of hostilitie against any other king, prince or state, or any of their subiects, who shall then be in league or amity with vs, our heires or successors. And because in soe remote a Countrey, and scituate neare many Barbarous Nations, the incursions as well of the savages themselues, as of other enemies, pirates and Robbers, may pbably be feared. Therefore, WEE have given and for vs, our heires and successors, Doe give power by these presents vnto the said William Penn, his heires and assignes, by themselues or their Captaines or other, their officers to levy, muster and traine all sorts of men, of what condicon, or wheresoever borne, in the said pvince of Pennsylvania, for the time being, and to make warr and pursue the enemies and Robbers aforesaid, as well by Sea as by Land, yea, even without the Limits of the said pvince, and by God's assistance, to vanquish and take them, and being taken, to put them to death by the law of Warr, or to save them att theirie pleasure, and to doe all and every other act and thing, which to the charge and office of a Captaine generall of an Army, belongeth or hath accustomed to belong, as fully and ffreely as any Captaine Generall of an Army, hath ever had the same. AND FURTHERMORE, of our especiall grace and of our certaine knowledg and meere motion, WEE have

given and granted, and by these presents for vs, our heires and successors, Doe give and grant vnto the said William Penn, his heires and assignes, full and absolute power, licence and authoritie, That he the said William Penn, his heires and Assignes, from time to time hereafter forever, att his or their will and pleasure, may assigne, alien, grant, demise or infeoffe of the premises, soe many, and such partes and parcells to him or them, that shall be willing to purchase the same, as they shall think fitt. **TO HAVE AND TO HOLD** to them, the said person and persons willing to take or purchase, their heires and assignes, in ffee simple or ffeetaile, or for the terme of life, or liues, or yeares, to be held of the said William Penn, his heires and assignes, as of the said Seigniorie of Windsor, by such services, customes and rents, as shall seeme fitt to the said William Penn, his heires and assignes, and not immediately of vs, our heires and successors, and to the same person or persons, and to all and every of them, WEE DOE give and grant by these presents, for vs, our heires and successors, Licence, authoritie and power, that such person or persons may take the premisses or any parcell thereof, of the aforesaid William Penn, his heires or assignes, and the same hold to them selues, their heires and assignes, in what estate of inheritance soever, in ffee simple, or in ffeetaile or otherwise, as to him the said William Penn, his heires and assignes, shall seem expedient. The Statutes made in the parliament of Edward, sonne of king Henry, late king of England, our predecessor, comonly called the Statute Quia Emp-tores terrarum, lately published in our kingdome of England, in any wise notwithstanding, and by these presents, WEE give and grant licence vnto the said William Penn, and his heires, likewise to all and every such person and persons to whom the said William Penn, or his heires, shall at any time hereafter, grant any estate of inheritance as aforesaid, to erect any parcells of Land within the pvince aforesaid, into mannors, by and with the licence to be first had and obteyned for that purpose, vnder the hand and seale of the said William Penn, or his heires, and in every of the said mannors, to haue and to hold a Court Baron, with all things whatsoever, which to a Court Baron do belong; and to haue and to hold view of ffrankpledge, for the conservacon of the peace, and the better government of those partes by themselves or their Stewarts, or by the Lords for the time being of other mannors to be deputed when they shall be erected, and in the same, to vse all things belonging to view of ffrankpledge; and WEE doe further grant licence and authoritie that every such person and persons, who shall erect any such mannor or mannors as aforesaid, shall or may grant all or any parte of his said lands to any person or persons, in ffee simple or any other estate of inheritance, to be held of the said mannors respectively, soe as noe further tenures shall be created, but that vpon all further and other alienacons thereafter, to be made the said lands soe aliened, shall be held of the same Lord and his heires, of whom the alien did then before hold, and by the like, rents and services, which were before due and accustomed. And further, our pleasure is and by these

presents for vs, our heires and successors, WEE doe Covenant and grant to and with the said William Penn, and his heires and assignes, that WEE, our heires and successors, shall att no time hereafter sett or make, or cause to be sett, any imposition, custome or other taxation, rate or contribucon whatsoever, in and upon the dwellers and inhabitants of the aforesaid pvince, for their lands, tenements, goods or chattels, within the said province, or in and vpon any goods or merchandize within the said pvince, or to be laden or vnladen within the ports or harbours of the said pvince, vnles the same be with the consent of the pprietary, or chiefe Governor and Assembly, or by act of parliament in England. And our pleasure is, and for us our heires and successors, WEE charge and comand, that this our Declaracon, shall from henceforward be received, and allowed from time to time in all our Courts, and before all the Judges of vs, our heires and successors, for a sufficient and lawful discharge, payment and acquittance, comandng all and singular the officers and ministers of vs, our heires and successors, and enioyneing them vpon paine of our high displeasure, that they doe not presume att any time to attempt any thing to the contrary of the premises, or that they doe in any sort withstand the same, but that they bee att all times aiding and assisting as is fitting vnto the said William Penn, and his heires, and to the inhabitants and merchants of the pvince aforesaid, their servants, ministers, ffactors and assignes, in the full vse and fruition of the benefitt of this our Charter: And our further pleasure is, And WEE doe hereby, for vs, our heires and successors, charge and require that if any of the inhabitants of the said pvince, to the number of Twenty, shall att any time hereafter be desirous, and shall by any writeing or by any pson deputed for them, signify such their desire to the Bishop of London, that any preacher or preachers to be approved of by the said Bishop, may be sent vnto them for their instrucon, that then such preacher or preachers, shall and may be and reside within the said pvince, without any Deniall or molestacon whatsoever; and if pchance it should happen hereafter, any doubts or questions should arise concerning the true sence & meaning of any word, clause or sentence, conteyned in this our present charter, WEE WILL ordaine and comand, that att all times and in all things such interpretacon be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said William Penn, his heires and assignes: PROVIDED alwayes, that no interpretacon be admitted thereof, by which the allegiance due vnto vs, our heires and successors, may suffer any preiudice or diminucon, although expres mencon be not made in these presents, of the true yearly value or certainty of the premises, or of any parte thereof, or of other guifts and grants made by vs, our pgenitors or predecessors, vnto the said William Penn, or any Statute, act, ordinance, pvision, pclamacon or restraint heretofore, had made, published, ordained or pvided, or any other thing, cause or matter whatsoever to the contrary thereof, in any wise notwithstanding. In Witness whereof WEE have caused these

our letters to be made patents, Witness our selfe at Westminster, the fourth day of March, in the three and thirtieth yeare of our Reigne.

By Writt of privy Seale.

JOHN SHALER, chv^r.

xxvij die Janry, 1682, Fir.

PIGOTT.

II. CERTAIN CONDITIONS OR CONCESSIONS BY WILLIAM PENN (July, 1681)

Agreed upon by William Penn, Proprietary and Governor of the Province of Pennsylvania and those who are the adventurers and purchasers in the same province the Eleventh of July, One thousand six hundred and eighty one.

First. That so soon as it pleaseth God that the above said persons arrive there, a quantity of land or Ground plat shall be laid out for a large Town or City in the most convenient place upon the River for health and navigaton; and every purchaser and adventurer shall by lot have so much land therein as will answer to the proportion which he hath bought or taken up upon rent, But it is to be noted that the surveyors shall consider what Roads or Highways will be necessary to the Cities, Towns, or through the lands. Great roads from City to City not to contain less than forty feet in breadth shall be first laid out and declared to be for highways before the Dividend of acres be laid out for the purchaser and the like observation to be had for the streets in the Towns and Cities, that there may be convenient roads and streets preserved not to be encroached upon by any planter or builder that none may build irregularly to the damage of another.—In this custom governs.

Secondly. That the land in the Town be laid out together after the proportion of ten thousand acres of the whole country, that is two hundred acres, if the place will bear it: However that the proportion be by lot and entire so as those that desire to be together, especially those that are by the catalogue laid together, may be so laid together both in the Town & Country.

Thirdly. That when the Country lots are laid out, every purchaser from one thousand to Ten thousand acres or more, not to have above One thousand acres together, unless in three years they plant a family upon every thousand acres; but that all such as purchase together, lie together; and if as many as comply with this Condition, that the whole be laid out together.

Fourthly. That where any number of purchasers, more or less whose number of acres amounts to Five or ten thousand acres, desire to sit together in a lot or Township, they shall have their lot or Township cast together, in such places as have convenient Harbours or navigable rivers attending it, if such can be found, and in case any one or more Purchasers plant not according to agreement, in this concession to the prejudice of others of the same Township upon

complaint thereof, made to the Governor or his deputy, with assistance they may award (if they see cause) that the complaining purchaser may, paying the survey money, and purchase money, and Interest thereof, be entitled, inrolled and lawfully invested in the lands so not seated.

Fifthly. That the proportion of lands that shall be laid out in the first great Town or City, for every purchaser, shall be, after the proportion of Ten acres, for every Five hundred acres purchased, if the place will allow it.

Sixthly. That notwithstanding there be no mention made in the several Deeds made to the purchasers, yet the said William Penn, does accord and declare, that all Rivers, Rivulets, Woods and Underwoods, Waters, Watercourses, Quarries, Mines and Minerals, (except mines Royal,) shall be freely and fully enjoyed and wholly by the purchasers into whose lot they fall.

Seventhly. That for every Fifty acres that shall be allotted to a servant, at the end of his service, his Quitrent shall be two shillings per annum, and the master or owner of the Servant, when he shall take up the other Fifty acres, his Quitrent shall be Four shillings by the year, or if the master of the servant, (by reason in the Indentures he is so obliged to do,) allot out to the Servant Fifty acres in his own Division, the said master shall have on demand allotted him from the Governor, the One hundred acres, at the chief rent of Six shillings per annum.

Eighthly. And for the encouragement of such as are ingenious, and willing to search out Gold and silver mines in this province, it is hereby agreed that they have liberty to bore and dig in any mans property, fully paying the damage done, and in case a Discovery should be made, that the discoverer have One Fifth, the owner of the soil (if not the Discoverer) a Tenth part, the Governor Two fifths, and the rest to the public Treasury, saving to the king the share reserved by patent.

Ninthly. In every hundred thousand acres, the Governor and Proprietary by lot reserveth Ten to himself, which shall lie but in one place.

Tenthly. That every man shall be bound to plant or man so much of his share of Land as shall be set out and surveyed within three years after it is so set out and surveyed, or else it shall be lawful for new comers to be settled thereupon, paying to them their survey money, and they go up higher for their shares.

Eleventhly. There shall be no buying and selling, be it with an Indian, or one among another of any Goods to be exported but what shall be performed in public market, when such place shall be set apart or erected, where they shall pass the public Stamp or Mark. If bad ware and prized as good, or deceitful in proportion or weight, to forfeit the value as if good, and full weight and proportion to the public Treasury of the Province, whether it be the merchandize of the Indian or that of the Planters.

Twelfthly. And forasmuch as it is usual with the planters to over-reach the poor natives of the Country in Trade, by Goods not being good of the kind, or debased with mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the Indians, in consideration of their furs, shall be sold in the market place, and there suffer the test, whether good or bad; if good to pass; if not good, not to be sold for good, that the natives may not be abused nor provoked.

Thirteenthly. That no man shall by any ways or means, in word or deed, affront or wrong any Indian, but he shall incur the same penalty of the Law, as if he had committed it against his fellow planters; and if any Indian shall-abuse, in Word or Deed, any planter of this province, that he shall not be his own Judge upon the Indian, but he shall make his complaint to the Governor of the province, or his Lieutenant or Deputy, or some inferior magistrate near him, who shall, to the utmost of his power, take care with the king of the said Indian, that all reasonable Satisfaction be made to the said injured planter.

Fourteenthly. That all differences between the Planters and the natives, shall also be ended by Twelve men, that is, by Six planters and Six natives, that so we may live friendly together as much as in us lieth, preventing all occasions of Heart burnings and mischief.

Fifteenthly. That the Indians shall have liberty to do all things relating to improvement of their Ground, and providing sustenance for the families, that any of the planters shall enjoy.

Sixteenthly. That the laws as to Slanders, Drunkenness, Swearing, Cursing, Pride in apparel, Trespasses, Distresses, Replevins, Weights and measures, shall be the same as in England, till altered by law in this province.

Seventeenthly. That all shall mark their hogs, sheep and other cattle, and what are not marked within three months after it is in their possession, be it young or old, it shall be forfeited to the Governor, that so people may be compelled to avoid the occasions of much strife between Planters.

Eighteenthly. That in clearing the ground, care be taken to leave One acre of trees for every five acres cleared, especially to preserve oak and mulberries, for silk and shipping.

Nineteenthly. That all ship masters shall give an account of their Countries, Names, Ships, Owners, Freights and Passengers, to an officer to be appointed for that purpose, which shall be registered within Two days after their arrival; and if they shall refuse so to do that then none presume to trade with them, upon forfeiture thereof; and that such masters be looked upon as having an evil intention to the province.

Twentiethly. That no person leave the Province without publication being made thereof in the market place, Three weeks before, and a certificate from some Justice of the peace, of his clearness with his neighbours and those he has dealt withal, so far as such an assurance

can be attained and given; and if any master of a ship shall contrary hereunto receive, and carry away any person that hath not given that public notice, the said master shall be liable to all debts owing by the said person, so secretly transported from the province. Lastly, that these are to be added to or corrected by and with the consent of the parties hereunto subscribed.

Sealed and delivered in the presence of

WILLIAM PENN.

William Boelham,
Harbert Springet,
Thomas Prudyard,

Humphry South,
Thomas Barker,
Samuel Jobson,
John Joseph Moore,
William Powel,
Richard Davie,
Griffith Jones,
Hugh Lambe,
Thomas Farrinborough,
John Goodson.

Sealed and delivered in the presence of all the proprietors who have hereunto subscribed, except Thomas Farrinborough and John Goodson, in the presence of

Hugh Chamberlen,
R. Murray,
Harbert Springet,

III. THE PREFACE TO THE FRAME OF GOVERNMENT OF THE PROVINCE OF PENNSYLVANIA

(Penn's Explanation of the Document)

Of the Province of Pennsylvania, in America: together with certain laws in England, by the Governor and divers freemen of the aforesaid Province. To be further explained and confirmed there by the first Provincial Council that shall be held, if they see meet.

THE PREFACE.

When the great and wise God had made the world, of all his creatures it pleased him to choose man his deputy to rule it; and to fit him for so great a charge and trust, he did not only qualify him with skill and power, but with integrity to use them justly. This native goodness was equally his honour and his happiness; and whilst he stood here, all went well; there was no need of coercive or compulsive means; the precept of divine love and truth in his bosom was the guide and keeper of his innocence. But lust prevailing against duty, made a lamentable breach upon it; and the law, that before had no power over him, took place upon him and his disobedient posterity, that such as would not live conformable to the holy law within, should fall under the reproof and correction of the just law without, in a judicial administration.

This the apostle teaches in divers of his epistles. The law (says he) was added because of transgression: In another place, knowing that the law was not made for the righteous man; but for the disobedient and ungodly, for sinners, for unholy and prophane, for murderers, for whoremongers, for them that defile themselves with mankind, and for men-

stealers, for liars, for perjured persons, &c. But this is not all, he opens and carries the matter of government a little further: Let every soul be subject to the higher powers, for there is no power but of God. The powers that be are ordained of God; whosoever therefore resisteth the power, resisteth the ordinance of God. For rules are not a terror to good works, but to Evil: wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same.—He is the minister of God to thee for good.—Wherefore ye must needs be subject, not only for wrath, but for conscience sake.

This settles the divine right of government beyond exception, and that for two ends: first, to terrify evil-doers; secondly, to cherish those that do well; which gives government a life beyond corruption, and makes it as durable in the world, as good men shall be. So that government seems to me a part of religion itself, a thing sacred in its institution and end. For if it does not directly remove the cause, it crushes the effects of evil, and is as such (tho' a lower yet) an emanation of the same Divine Power, that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operations: but that is only to evildoers; government itself being otherwise as capable of kindness, goodness and charity, as a more private society. They weekly err, that think there is no other use of government than correction, which is the coarsest part of it: daily experience tells us, that the care and regulation of many other affairs more soft and daily necessary, make up much the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue among men on earth under the highest attainments they may arrive at, by the coming of the blessed second Adam, the Lord from Heaven. Thus much of government in general, as to its rise and end.

For particular frames and models, it will become me to say little; and comparatively I will say nothing. My reasons are: first, that the age is too nice and difficult for it; there being nothing the wits of men are more busy and divided upon. 'Tis true, they seem to agree in the end, to wit., happiness; but in the means they differ, as to divine, so to this human felicity; and the cause is much the same, not always want of light and knowledge, but want of using them rightly. Men side with their passions against their reason, and their sinister interests have so strong a bias upon their minds, that they lean to them against the good of the things they know.

Secondly, I do not find a model in the world, that time, place, and some singular emergences have not necessarily altered; nor is it easy to frame a civil government, that shall serve all places alike.

Thirdly, I know what is said by the several admirers of monarchy, aristocracy and democracy, which are the rule of one, a few, and many, and are the three common ideas of government, when men discourse on that subject. But I choose to solve the controversy with this small distinction, and it belongs to all three: any government is free to the people under it (whatever be the frame) where the laws rule, and the people are

a party to those laws, and more than this is tyranny, oligarchy, and confusion.

But lastly, when all is said, there is hardly one frame of government in the world so ill designed by its first founders, that in good hands would not do well enough; and story tells us, the best in ill ones can do nothing that is great or good; witness the Jewish and Roman states. Governments, like clocks, go from the motion men give them, and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But if men be bad, let the government be never so good, they will endeavour to warp and spoil it to their turn.

I know some say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better: for good laws may want good men, and be abolished or invaded by ill men; but good men will never want good laws, nor suffer ill ones. 'Tis true, good laws have some awe upon ill ministers, but that is where they have not power to escape or abolish them, and the people are generally wise and good: but a loose and depraved people (which is to the question) love laws and an administration like themselves. That therefore, which makes a good constitution, must keep it, viz: men of wisdom and virtue, qualities, that because they descend not with worldly inheritances, must be carefully propagated by a virtuous education of youth, for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents for their private patrimonies.

These considerations of the weight of government, and the nice and various opinions about it, made it uneasy to me to think of publishing the ensuing frame and conditional laws, foreseeing both the censures they will meet with from men of differing humours and engagements, and the occasion they may give of discourse beyond my design.

But next to the power of necessity (which is a solicitor that will take no denial) this induced me to a compliance, that we have (with reverence to God, and good conscience to men) to the best of our skill, contrived and composed the FRAME and LAWS of this government, to the great end of all government, viz: to support power in reverence with the people, and to secure the people from the abuse of power; that they may be free by their just obedience, and the magistrates honourable for their just administration: for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy: where either of these fail, government will be subject to convulsions; but where both are wanting, it must be totally subverted: then where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of this of Pennsylvania. Amen.

WILLIAM PENN.

IV. FIRST FRAME OF GOVERNMENT FOR PENNSYLVANIA

(April 25, 1682)

TO ALL PEOPLE, to whom these presents shall come. WHEREAS king Charles the second, by his letters patents, under the great seal of England; for the consideration therein mentioned, hath been graciously pleased to give and grant unto me William Penn (by the name of William Penn, Esq. son and heir of Sir William Penn, deceased) and to my heirs and assigns forever, all that tract of land or province, called Pennsylvania, in America, with divers great powers, preheminences, royalties, jurisdictions, and authorities, necessary for the well-being and government thereof: NOW KNOW YE, that for the well-being and government of the said province and for the encouragement of all the freemen and planters that may be therein concerned, in pursuance of the powers aforementioned, I the said Willian Penn have declared, granted, and confirmed, and by these presents, for me, my heirs and assigns, do declare, grant and confirm unto all the freemen, planters and adventurers, of, in and to the said province, these liberties, franchises, and properties, to be held, enjoyed and kept by the freemen, planters and inhabitants of the said province of Pennsylvania for ever.

Imprimis. That the government of this province shall, according to the powers of the patent, consist of the Governor and freemen of the said province, in form of a Provincial Council and General Assembly, by whom all laws shall be made, officers chosen, and publik affairs transacted, as is hereinafter respectively declared. That is to say,

Second. That the freemen of the said province shall, on the twentieth day of the twelfth month, which shall be in this present year, one thousand six hundred eighty and two, meet and assemble in some fit place, of which timely notice shall be before hand given, by the governor or his deputy, and then and there shall choose out of themselves seventy two persons of most note for their wisdom, virtue and ability, and who shall meet on the tenth day of the first month next ensuing, and always be called and act as the Provincial Council of the said province.

Third. That at the first choice of such Provincial Council, one third part of the said Provincial Council shall be chosen to serve for three years next ensuing; one third part for two years then next ensuing, and one third part for one year then next following such election, and no longer; and that the said third part shall go out accordingly. And on the twentieth day of the twelfth month as aforesaid, yearly for ever afterward, the freemen of the said province shall in like manner meet and assemble together, and then chuse twenty four persons, being one third of the said number, to serve in Provincial Council for three years. It being intended, that one third part of the whole Provincial Council (always consisting and to consist of seventy two persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly elections, as aforesaid; and that no one person shall continue therein longer than three years: and in

case any member shall decease before the last election during his time, that then at the next election ensuing his decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

Fourth. That after the first seven years, every one of the said third parts that goeth yearly off, shall be incapable of being chosen again for one whole year following: that so all may be fitted for government, and have experience of the care and burden of it.

Fifth. That the Provincial Council in all cases of matters of moment, as their arguing upon bills to be past into laws, erecting courts of justice, giving judgments upon criminals impeached, and choice of officers, in such manner as is herein after mentioned; not less than two thirds of the whole Provincial Council shall make a quorum; and that the consent and approbation of two thirds of such quorum shall be had in all such cases and matters of moment. And moreover, that in all cases and matters of lesser moment, twenty-four members of the said Provincial Council shall make a quorum, the majority of which twenty four shall and may always determine in such cases and causes of lesser moment.

Sixth. That in this Provincial Council the governor or his deputy shall or may always preside, and have a treble voice; and the said Provincial Council shall always continue, and sit upon its own adjournments and committees.

Seventh. That the governor and Provincial Council shall prepare and propose to the General Assembly hereafter mentioned, all bills, which they shall at any time think fit to be passed into laws within the said province; which bills shall be published and affixed to the most noted places in the inhabited parts thereof thirty days before the meeting of the General Assembly, in order to the passing them into laws, or rejecting of them, as the General Assembly shall see meet.

Eighth. That the governor and Provincial Council shall take care that all laws, statutes and ordinances, which shall at any time be made within the said province, be duly and diligently executed.

Ninth. That the governor and Provincial Council shall at all times have the care of the peace and safety of the province, and that nothing be by any person attempted to the subversion of this frame of government.

Tenth. That the governor and Provincial Council shall at all times settle and order the situation of all cities, ports and market towns in every county, modelling therein all public buildings, streets, and market places, and shall appoint all necessary roads and highways in the province.

Eleventh. That the governor and Provincial Council shall at all times have power to inspect the management of the publick treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the governor, Provincial Council, and General Assembly.

Twelfth. That the governor and Provincial Council shall erect and order all publick schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province.

Thirteenth. That for the better management of the powers and trust aforesaid, the Provincial Council shall from time to time divide itself into four distinct and proper committees, for the more easy administration of the affairs of the province, which divides the seventy-two into four eighteens, every one of which eighteens shall consist of six out of each of the three orders or yearly elections, each of which shall have a distinct portion of business, as followeth: first, a committee of plantations, to situate and settle cities, ports, market-towns and high-ways, and to hear and decide all suits and controversies relating to plantations. Secondly, a committee of justice and safety, to secure the peace of the province, and punish the male-administration of those who subvert justice to the prejudice of the publick or private interest. Thirdly, a committee of trade and treasury, who shall regulate all trade and commerce according to law, encourage manufacture and country growth, and defray the publick charge of the province. And fourthly, a committee of manners, education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue and useful knowledge and arts: the quorum of each of which committees being six, that is, two out of each of the three orders or yearly elections as aforesaid, making a constant and standing council of twenty-four, which will have the power of the Provincial Council, being the quorum of it, in all cases not excepted in the fifth article; and in the said committees and standing Council of the province, the governor or his deputy shall or may preside as aforesaid; and in the absence of the governor or his deputy, if no one is by either of them appointed, the said committees or Council, shall appoint a president for the time, and not otherwise; and what shall be resolved at such committees, shall be reported to the said Council of the province, and shall be by them resolved and confirmed before the same shall be put in execution; and that these respective committees shall not sit at one and the same time, except in cases of necessity.

Fourteenth. And to the end that all laws prepared by the governor and Provincial Council aforesaid, may yet have the more full concurrence of the freemen of the province, it is declared, granted, and confirmed, that at the time and place or places for the choice of a Provincial Council as aforesaid, the said freemen shall yearly choose members to serve in General Assembly as their representatives, not exceeding two hundred persons, who shall yearly meet on the twentieth day of the second month, which shall be in the year one thousand six hundred eighty and three following, in the capital, town, or city of the said province, where during eight days the several members may freely confer with one another; and, if any of them see meet, with a committee of the Provincial Council (consisting of Three out of each of the four committees aforesaid, being twelve in all) which shall be at that time purposely appointed to receive from any of them proposals for the alteration or amendment of any of the said proposed and promulgated bills: and on the ninth day from their so meeting, the said General Assembly, after reading over the proposed bills by the clerk of the Provincial Council, and the occasion and motives for them being opened by the governor or his deputy, shall give their affirmative or negative, which to them seemeth best, in such manner

as hereinafter is expressed. But not less than two thirds shall make a quorum in the passing of laws, and choice of such officers as are by them to be chosen.

Fifteenth. That the laws so prepared and proposed as aforesaid, that are assented to by the General Assembly, shall be enrolled as laws of the province, with this stile: *By the Governor, with the assent and approbation of the freemen in Provincial Council and General Assembly.*

Sixteenth. That for the better establishment of the Government, and laws of this province, and to the end there may be an universal satisfaction in the laying of the fundamentals thereof; the General Assembly shall or may for the first year consist of all the freemen of and in the said province, and ever after it shall be yearly chosen, as aforesaid; which number of two hundred shall be enlarged as the country shall increase in people, so as it do not exceed five hundred at any time: the appointment and proportioning of which, as also the laying and methodizing of the choice of the Provincial Council and General Assembly in future times, most equally to the divisions of the hundreds and counties, which the country shall hereafter be divided into; shall be in the power of the Provincial Council to propose, and the General Assembly to resolve.

Seventeenth. That the governor and the Provincial Council shall erect, from time to time, standing courts of justice in such places and number as they shall judge convenient for the good government of the said province. And that the Provincial Council shall, on the thirteenth day of the first month yearly, elect and present to the governor or his deputy, a double number of persons to serve for judges, treasurers, master of rolls, within the said province for the year next ensuing; and the freemen of the said province in the county courts, when they shall be erected, and till then in the General Assembly shall, on the three and twentieth day of the second month yearly, elect and present to the governor or his deputy a double number of persons to serve for sheriffs, justices of the peace, and coroners, for the year next ensuing; out of which respective elections and presentments, the governor or his deputy shall nominate and commissionate the proper number for each office the third day after the said presentments; or else the first named in such presentment for each office, shall stand and serve for that office the year ensuing.

Eighteenth. But forasmuch as the present condition of the province requires some immediate settlement, and admits not of so quick a revolution of officers; and to the end the said province may with all convenient speed be well ordered and settled, I William Penn do therefore think fit, to nominate and appoint such persons for judges, treasurers, masters of the rolls, sheriffs, justices of the peace, and coroners, as are most fitly qualified for those employments; to whom I shall make and grant commissions for the said offices respectively, to hold to them to whom the same shall be granted, for so long time as every such person shall well behave himself in the office or place to him respectively granted, and no longer. And upon the decease or displacing of any of the said officers, the succeeding officer or officers shall be chosen as aforesaid.

Nineteenth. That the General Assembly shall continue so long as may be needful to impeach criminals fit to be there impeached; to pass bills into laws, that they shall think fit to pass into laws, and till such time as the governor and Provincial Council shall declare, that they have nothing further to propose unto them for their assent and approbation; and that declaration shall be a dismiss to the General Assembly for that time, which General Assembly shall be notwithstanding capable of assembling together, upon the summons of the Provincial Council, at any time during that year, if the said Provincial Council shall see occasion for their so assembling.

Twentieth. That all the elections of members or representatives of the people, to serve in Provincial Council and General Assembly, and all questions to be determinated by both or either of them, that relate to passing of bills into laws, to the choice of officers, to impeachments made by the General Assembly, and judgment of criminals upon such impeachments by the Provincial Council, and to all other cases by them respectively judged of importance, shall be resolved and determined by the ballot; and, unless on sudden and indispenible occasions, no business in Provincial Council, or its respective committees, shall be finally determined the same day that it is moved.

Twenty-first. That at all times, when and so often as it shall happen, that the Governor shall or may be an infant, under the age of one and twenty years, and no quardians or commissioners are appointed in writing by the father of the said infant, or that such guardians or commissioners shall be deceased; that during such minority, the Provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians or commissioners, not exceeding three; one of which three shall preside as deputy and chief guardian, during such minority, and shall have and execute, with the consent of the other two, all the power of a governor, in all the public affairs and concerns of the said province.

Twenty-second. That as often as any day of the month, mentioned in any article of this charter, shall fall upon the first day of the week, commonly called the Lord's day, the business appointed for that day, shall be deferred till next day, unless in case of emergency.

Twenty-third. That no act, law or ordinance whatsoever, shall at any time hereafter be made or done, by the governor of this province, his heirs or assigns, or by the freemen in the Provincial Council or the General Assembly, to alter; change or diminish the form or effect of this charter, or any part or clause thereof, without the consent of the Governor, his heirs or assigns, and six parts of seven of the said freemen in Provincial Council, and General Assembly.

And lastly. That I the said William Penn, for myself, my heirs, and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs nor assigns, shall procure or do any thing or things, whereby the liberties in this charter contained and expressed, shall be infringed or broken; and if any thing be procured by any person or persons contrary to these premises, it shall be held of no force or effect. In Witness whereof, I the said

William Penn have unto this present charter of liberties, set my hand and broad seal, this five and twentieth day of the second month, vulgarly called April, in the year of our Lord, one thousand six hundred and eighty-two.

WILLIAM PENN.

"The Charter is written upon two pieces of vellum or prepared calfskin, of nearly equal size,—the first skin, which ends in the 14th section of the text, measuring $33\frac{1}{4}$ by $25\frac{3}{4}$ inches, and the second skin $32\frac{3}{4}$ by $22\frac{1}{2}$ inches. The ends of the two skins are attached at the bottom in a two-inch fold, secured at the center by the lacing of a faded pink silk cord, which, passing through four perforations of the vellum, encloses the signature of William Penn in the lozenge-shaped figure and then descends in a plait through the circular wax seal of attestation. The seal, which is a light red, is $1\frac{1}{2}$ inches in diameter. It is securely glued by the wax into a tin box, measuring across the cover $1\frac{7}{8}$ inches and one-half inch in thickness. Although mentioned in the text as the 'Broad Seal,' this seal is otherwise known as the Lesser Seal of the Province of Pennsylvania. The central feature of the design is the shield bearing the Penn Arms with the crescent mark of cadency. Above and beneath this, respectively, are the words of the motto: 'MERCY' and 'JVSTICE.' Encircling the whole is the inscription: 'WILLIAM PENN PROPRIATOR AND GOVERNOR OF PENNSYLVANIA.' Albert Cook Myers."

LAWS AGREED UPON IN ENGLAND

First. That the charter of liberties, declared, granted and confirmed, the five and twentieth day of the second month, called April, 1682, before divers witnesses by William Penn, governor and chief proprietary of Pennsylvania, to all the freemen and planters of the said province, is hereby declared and approved, and shall be for ever held for fundamental, in the government thereof, according to the limitations mentioned in the said charter.

Second. That every Inhabitant in the said province, that is or shall be a purchaser of one hundred acres of land or upwards, his heirs and assigns, and every person who shall have paid his passage, and taken up one hundred acres of land, at one penny an acre, and have cultivated ten acres thereof, and every person that hath been a servant or bondsman, and is free by his service, that shall have taken up his fifty acres of land, and cultivated twenty thereof, and every inhabitant, artificer, or other resident in the said province, that pays scot and lot to the government, shall be deemed and accounted a freeman of the said province; and every such person shall and may be capable of electing or being elected representatives of the people in Provincial Council or General Assembly in the said province.

Third. That all elections of members or representatives of the people and freemen of the province of Pennsylvania, to serve in Provincial Council or General Assembly, to be held within the said province, shall be free and voluntary: and that the elector that shall receive any reward or gift, in meat, drink, monies or otherwise, shall forfeit his right to elect; and such person as shall, directly or indirectly, give, promise, or bestow any such reward as aforesaid, to be elected, shall forfeit his election, and be thereby incapable to serve as aforesaid. And the Provincial Council and General Assembly shall be the sole judge of the regularity or irregularity of the elections of their own respective members.

Fourth. That no money or goods shall be raised upon, or paid by any of the people of this province, by way of a publick tax, custom or contribution, but by a law for that purpose made; and whosoever shall levy, collect or pay any money or goods contrary thereunto, shall be held a publick enemy to the province, and a betrayer of the liberties of the people thereof.

Fifth. That all courts shall be open, and justice shall neither be sold denied or delayed.

Sixth. That in all courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves, or if unable, by their friends. And the first process shall be the exhibition of the complaint in court, fourteen days before the trial; and that the party complained against may be fitted for the same, he or she shall be summoned no less than ten days before, and a copy of the complaint delivered him or her, at his or her dwelling house. But before the complaint of any person be received, he shall solemnly declare in court, that he believes in his conscience his cause is just.

Seventh. That all pleadings, processes and records in courts, shall be short, and in english, and in an ordinary and plain character, that they may be understood, and justice speedily administered.

Eighth. That all trials shall be by twelve men, and as near as may be, peers or equals, and of the neighborhood, and men without just exception. In cases of life, there shall be first twenty-four returned by the sheriff for a grand inquest, of whom twelve at least shall find the complaint to be true; and then the twelve men, or peers to be likewise returned by the sheriff, shall have the final judgment. But reasonable challenges shall be always admitted against the said twelve men or any of them.

Ninth. That all fees in all cases shall be moderate, and settled by the Provincial Council and General Assembly, and be hung up in a table in every respective court; and whosoever shall be convicted of taking more, shall pay twofold, and be dismissed his employment; one moiety of which shall go to the party wronged.

Tenth. That all prisons shall be workhouses for felons, vagrants, and loose and idle persons; whereof one shall be in every county.

Eleventh. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great.

Twelfth. That all persons wrongfully imprisoned or prosecuted at law, shall have double damages against the informer or prosecutor.

Thirteenth. That all prisons shall be free, as to fees, food, and lodging.

Fourteenth. That all lands and goods shall be liable to pay debts, except where there is legal issue, and then all the goods, and one third of the land only.

Fifteenth. That all wills and writing attested by two witnesses, shall be of the same force, as to lands as other conveyances, being legally proved within forty days, either within or without the said province.

Sixteenth. That seven years quiet possession shall give an unquestionable right, except in cases of infants, lunatics, married women, or persons beyond the seas.

Seventeenth. That all briberies and extortions whatsoever, shall be severely punished.

Eighteenth. That all fines shall be moderate, and saving mens contentments, merchandize or wainage.

Nineteenth. That all marriages (not forbidden by the law of God, as to nearness of blood and affinity by marriage) shall be encouraged; but the parents or guardians shall be first consulted, and the marriage shall be published before it be solemnized, and it shall be solemnized by taking one another as husband and wife, before credible witnesses, and a certificate of the whole, under the hands of parties and witnesses, shall be brought to the proper register of that county, and shall be registered in his office.

Twentieth. And to prevent frauds and vexatious suits within the said province, that all charters, gifts, grants, and conveyances of land (except leases for a year or under) and all bills, bonds, and specialties have five pounds, and not under three months, made in the said province, shall be enrolled or registered in the publick enrolment office of the said province within the space of two months next after the making thereof, else to be void in law. And all deeds, grants, and conveyances of land (except as aforesaid) within the said province, and made out of the said province, shall be inrolled or registered as aforesaid, within six months next after the making thereof, and settling and constituting an enrolment office or registry within the said province, else to be void in law against all persons whatsoever.

Twenty-first. That all defacers or corruptors of charters, gifts, grants, bonds, bills, wills, contracts and conveyances, or that shall deface or falsify any enrolment, registry or record within this province, shall make double satisfaction for the same; half whereof shall go the party wronged, and they shall be dismissed of all places of trust, and be publicly disgraced as false men.

Twenty-second. That there shall be a register for births, marriages, burials, wills, and letters of administration, distinct from the other registry.

Twenty-third. That there shall be a register for all servants, where their names, time, wages, and days of payment, shall be registered.

Twenty-fourth. That all lands and goods of felons shall be liable to make satisfaction to the party wronged twice the value: and for want of lands or goods, the felons shall be bond-men to work in the common prison or work-house, or otherwise, till the party injured is satisfied.

Twenty-fifth. That the estates of capital offenders, as traitors and murderers, shall go one third to the next of kin to the sufferer, and the remainder to the next of kin to the criminal.

Twenty-sixth. That all witnesses, coming or called to testify their knowledge in or to any matter or thing in any court, or before any lawful authority within the said province, shall there give or deliver in their evidence or testimony, by solemnly promising to speak the truth, the whole truth, and nothing but the truth, to the matter or thing in question. And in case any person so called to evidence, shall be convicted of wilful falsehood, such person shall suffer and undergo such damage or penalty, as the person or persons against whom he or she bore false witness, did or should undergo; and shall also make satisfaction to the party wronged, and be publickly exposed as a false witness, never to be credited in any court, or before any magistrate, in the said province.

Twenty-seventh. And to the end that all officers chosen to serve within this province, may with more care and diligence answer the trust reposed in them, it is agreed, that no such person shall enjoy more than one publick office at one time.

Twenty-eighth. That all children within this province of the age of twelve years, shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.

Twenty-ninth. That servants be not kept longer than their time, and such as are careful, be both justly and kindly used in their service, and put in fitting equipage at the expiration thereof, according to custom.

Thirtieth. That all scandalous and malicious reporters, backbiters, defamers and spreaders of false news, whether against magistrates or private persons, shall be accordingly severely punished, as enemies to the peace and concord of this province.

Thirty-first. That for the encouragement of the planters and traders in this province, who are incorporated into a society, the patent granted to them by William Penn, Governor of the said province, is hereby ratified and confirmed.

Thirty-second.	*	*	*	*	*	*
*	*	*	*	*	*	*
*	*	*	*	*	*	*

Thirty-third. That all factors or correspondents in the said province wronging their employers, shall make satisfaction, and one third over, to their said employers: and in case of the death of any such factor or correspondent, the committee of trade shall take care to secure so much of the deceased party's estate, as belongs to his said respective employers.

Thirty-fourth. That all treasurers, judges, masters of the rolls, sheriffs, justices of the peace, and other officers and persons whatsoever, relating to courts or trials of causes, or any other service in the government; and all members elected to serve in provincial Council and General Assembly, and all that have right to elect such members, shall be such as profess faith in Jesus Christ, and that are not convicted of ill fame, or unsober and dishonest conversation, and that are of one and twenty years of age at least; and that all such so qualified, shall be capable of the said several employments and privileges as aforesaid.

Thirty-fifth. That all persons living in this province, who confess and acknowledge the one almighty and eternal God, to be the creator, upholder and ruler of the world, and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall in no ways be molested or prejudiced for their religious persuasion or practice in matters of faith and worship, nor shall they be compelled at any time to frequent or maintain any religious worship place or ministry whatever.

Thirty-sixth. That according to the good example of the primitive christians, and for the ease of the creation, every first day of the week, called the Lord's day, people shall abstain from their common daily labour, that they may the better dispose themselves to worship God according to their understandings.

Thirty-seventh. That as careless and corrupt administration of justice draws the wrath of God upon magistrates, so that the wildness and looseness of the people provoke the indignation of God against a country: therefore, that all such offences against God, as swearing, cursing, lying, prophane, talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, whoredom, fornication, and other uncleanness, (not to be repeated.) All treasons, misprisons, murders, duels, felonies, seditions, maims, forcible entries, and other violences, to the persons and estates of the inhabitants within this province: all prizes, stage plays, cards, dice, may-games, masques, revels, bull-baiting, cock-fightings, bear-baitings and the like, which excite the people to rudeness, cruelty, looseness and irreligion, shall be respectively discouraged, and severely punished, according to the appointment of the governor and freemen in Provincial Council and General Assembly, as also all proceedings contrary to these laws, that are not here made expressly penal.

Thirty-eighth. That a copy of these laws shall be hung up in the Provincial Council, and in publick courts of justice, and that they shall be read yearly, at the opening of every Provincial Council and General Assembly, and courts of justice, and their assent shall be testified by their standing up, after the reading thereof.

Thirty-ninth. That there shall be at no time any alteration of any of these laws, without the consent of the governor, his heirs or assigns, and six parts of seven of the freemen, met in Provincial Council and General Assembly.

Fortieth. That all other matters and things not herein provided for, which shall and may concern the publick justice, peace or safety of the said province; and the raising and imposing taxes, customs, duties, or other charges whatsoever, shall be, and are hereby referred to the order, prudence and determination of the governor and freemen in Provincial Council and General Assembly, to be held from time to time in the said province.

Signed and sealed by the Governor and freemen aforesaid, the fifth day of the third month, called May, one thousand six hundred and eighty-two.

V. SECOND FRAME OF GOVERNMENT (February, 1683)

*Of the Province of Pennsylvania and Territories thereunto annexed
in America, 1683.*

To all persons to whom these presents may come: Whereas, king Charles the Second, by his letters patents, under the great Seal of England, bearing date the fourth day of March, in the thirty and third year of the king, for divers considerations therein mentioned hath been graciously pleased to give and grant unto me, William Penn, (by the name of William Penn Esquire, son and heir of Sir William Penn, deceased,) and to my heirs and assigns for ever, all that tract of land or province called Pennsylvania, in America, with divers great powers, preheminencies, royalties, jurisdictions and authorities, necessary for the well being and government thereof. And whereas, the kings dearest brother James, duke of York and Albany, &c., by his deeds of feoffment under his hand and seal, duly perfected, bearing date the fourth and twentieth day of August, one thousand six hundred eighty and two, did grant unto me, my heirs and assigns, all that tract of land lying and being from twelve miles northward of Newcastle, upon Delaware river in America, to Cape Hinlopen upon the said river and bay of Delaware southward, together with all royalties, franchises, duties, jurisdictions, liberties and privileges thereunto belonging.

NOW KNOW YE, That for the well being and good government of the said Province and territories thereunto annexed, and for the encouragement of all the freemen and planters that may be therein concerned in pursuance of the rights and powers aforementioned, I the said William Penn, have declared, granted and confirmed, and by these presents for me, my heirs and assigns, do declare, grant and confirm unto all the

freemen, planters and adventurers, of, in and to the said province and territories thereof, these liberties, franchises and properties, so far as in me lieth, to be held, enjoyed and kept by the freemen, planters and adventurers of, and in the said Province of Pennsylvania and territories thereunto annexed forever.

Imprimis. That the government of this province and territories thereof, shall from time to time, according to the powers of the patent and deeds of feoffment aforesaid, consist of the Proprietary and Governor and freemen of the said Province and territories thereof, in form of provincial Council and General Assembly, which provincial Council shall consist of eighteen persons, being three out of each county, and which Assembly shall consist of thirty six persons, being six out of each county, men of most note for their virtue, wisdom and ability, by whom all laws shall be made, officers chosen and public affairs transacted, as is hereafter limited and declared.

Second. There being three persons already chosen for every respective county of this province and territories thereof, to serve in the provincial Council, one of them for three years; one for two years, and one for one year; and one of them to go off yearly in every county; that on the tenth day of the first month yearly for ever after, the freemen of the said province and territories thereof, shall meet together in the most convenient place in every county of this province and territories thereof, then and there to choose one person qualified as aforesaid in every county, being one third of the number to serve in provincial Council for three years; it being intended that one third of the whole provincial Council, consisting and to consist of eighteen persons, falling off yearly, it shall be yearly supplied with such yearly elections as aforesaid; and that one person shall not continue in longer than three years; and in case any member shall decease before the last election during his time, that then at the next election ensuing his decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

Third. That after the first seven years every one of the said third parts that goeth yearly off, shall be incapable of being chosen again for one whole year following; that so all that are capable and qualified as aforesaid, may be fitted for government and have a share of the care and burden of it.

Fourth. That the provincial Council in all cases and matters of moment, as their arguing upon bills to be passed into laws, or proceedings about erecting of courfs of justice, sitting in judgment upon criminals impeached, and choice of officers in such manner as is herein after expressed, not less than two thirds of the whole shall make a quorum, and that the consent and approbation of two thirds of that quorum shall be had in all such cases or matters of moment; and that in all cases and matters of lesser moment, one third of the whole shall make a quorum the majority of which shall and may always determine in such cases and causes of lesser moment.

Fifth. That the Governor and provincial Council shall have the power of preparing and proposing to the Assembly hereafter mentioned, all bills

which they shall see needful, and that shall at any time be past into laws, within the said province and territories thereof, which bills shall be published and affixed to the most noted place, in every county of this province and territories thereof, twenty days before the meeting of the Assembly in order to passing them into laws.

Sixth. That the Governor and provincial Council shall take care that all laws, statutes and ordinances, which shall at any time be made within the said province and territories be duly and diligently executed.

Seventh. That the Governor and provincial Council shall at all times have the care of the peace and safety of this province and territories thereof; and that nothing be by any person attempted to the subversion of this frame of government.

Eighth. That the Governor and provincial Council shall at all times settle and order the situation of all cities and market towns in every county, modelling therein all public buildings, streets and market places; and shall appoint all necessary roads and highways in this province and territories thereof.

Ninth. That the Governor and provincial Council shall at all times have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use than what hath been agreed upon by the Governor, provincial Council and Assembly.

Tenth. That the Governor and provincial Council shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province and territories thereof.

Eleventh. That one third part of the provincial Council residing with the Governor from time to time, shall with the Governor have the care of the management of public affairs relating to the peace, justice, treasury and improvement of the province and territories and to the good education of youth, and sobriety of the manners of the inhabitants therein as aforesaid.

Twelfth. That the Governor or his Deputy shall always preside in the provincial Council, and that he shall at no time therein perform any public act of state, whatsoever, that shall or may relate unto the justice, trade, treasury or safety of the province and territories aforesaid, but by and with the advice and consent of the provincial Council thereof.

Thirteenth. And to the end, that all bills prepared and agreed by the Governor and provincial Council as aforesaid, may yet have the more full concurrence of the freemen of the province and territories thereof, it is declared, granted and confirmed, that at the time and place in every county for the choice of one person, to serve in provincial Council as aforesaid, the respective Members thereof, at their said meeting, shall yearly choose out of themselves six persons of most note for virtue, wisdom and ability, to serve in Assembly as their representatives, who shall yearly meet on the tenth day of the third month, in the capital town or city of the said Province, unless the Governor and provincial Council shall think fit to appoint another place to meet in, where during

eight days, the several members may confer freely with one another; and if any of them see meet, with a committee of the provincial Council, which shall be at that time purposely appointed, to receive from any of them proposals for the alterations or amendments of any of the said proposed and promulgated bills, and on the ninth day from their so meeting, the said Assembly after their reading over the proposed bills, by the Clerk of the provincial Council, and the occasions and motives for them being opened by the Governor or his Deputy, shall upon the question by him put, give their affirmative or negative, which to them seemeth best in such manner as is hereafter expressed: but not less than two thirds shall make a quorum in the passing of all bills into laws, and choice of such officers as are by them to be chosen.

Fourteenth. That the laws so prepared and proposed as aforesaid, that are assented to by the Assembly, shall be enrolled as laws of this province and territories thereof, with this stile: *By the Governor with the assent and approbation of the freemen in provincial Council and Assembly met*, and from henceforth the meetings, sessions, acts and proceedings of the Governor, provincial Council and Assembly, shall be stiled and called: *The meetings, sessions and proceedings of the General Assembly of the Province of Pennsylvania and the territories thereunto belonging*.

Fifteenth. And that the representatives of the people in provincial Council and Assembly, may in after ages bear some proportion with the increase and multiplying of the people, the number of such representatives of the people may be from time increased and enlarged, so as at no time the number exceed seventy-two for the provincial Council, and two hundred for the Assembly; the appointment and proportion of which number, as also the laying and methodizing of the choice of such representatives in future time, most equally to the division of the country, or number of the inhabitants is left to the Governor and provincial Council to propose, and the Assembly to resolve, so that the order of proportion be strictly observed, both in the choice of the Council and the respective committees thereof, viz: one third to go off, and come in yearly.

Sixteenth. That from and after the death of this present Governor, the provincial Council shall, together with the succeeding Governor, erect from time standing courts of justice, in such places and number as they shall judge convenient, for the good government of the said province and territories thereof; and that the provincial Council shall, on the thirteenth day of the second month then next ensuing, elect and present to the Governor or his deputy, a double number of persons to serve for judges, treasurers, and master of the rolls, within the said province and territories, to continue so long as they shall well behave themselves in those capacities respectively; and the freemen of the said province in an Assembly met, on the thirteenth day of the third month, yearly shall elect and then present to the Governor or his deputy a double number of persons to serve for sheriffs, justices of the peace and coroners for the year next ensuing, out of which respective elections and presentments the Governor or his deputy shall nominate and commissionate the proper number for each office, the third day after the said respective presentments, or else

the first named in such presentment, for each office as aforesaid shall stand and serve in that office the time before respectively limited, and in case of death or default, such vacancy shall be supplied by the Governor and provincial Council in manner aforesaid.

Seventeenth. That the Assembly shall continue so long as may be needful to impeach criminals, fit to be there impeached to pass such bills into laws as are proposed to them, which they shall think fit to pass into laws, and till such time as the Governor and provincial Council shall declare, that they have nothing further to propose unto them for their assent and approbation, and that declaration shall be a dismiss to the Assembly for that time, which Assembly shall be notwithstanding, capable of assembling together upon the summons of the Governor, and provincial Council, at any time during that year, if the Governor and provincial Council shall see occasion for their so assembling.

Eighteenth. That all the elections of members or representatives of the people, to serve in provincial Council and Assembly, and all questions to be determined by both or either of them, that relate to choice of officers and all, or any other personal matters, shall be resolved or determined by the *ballot*, and all things relating to the preparing and passing of bills into laws, shall be openly declared and resolved by the vote.

Nineteenth. That at all times when the proprietary and Governor shall happen to be an infant and under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the father of the said infant, or that such guardian shall be deceased, that during such minority, the provincial Council shall from time to time, as they shall see meet, constitute and appoint guardians and commissioners not exceeding three; one of which shall preside as deputy and chief guardian during such minority, and shall have and execute with the consent of one of the other two, all the power of a Governor in all public affairs and concerns of the said province and territories thereof, according to charter; which said guardian so appointed, shall also have the care and oversight of the estate of the said minor and be yearly accountable and responsible for the same to the provincial Council, and the provincial Council to the minor when of age, or to the next heir, in case of the minors death, for the trust before expressed.

Twentieth. That as often as any days of the month mentioned in any article of this charter shall fall upon the first day of the week, commonly called the Lord's day, the business appointed for that day shall be deferred until the next day, unless in cases of emergency.

Twenty-first. And for the satisfaction and encouragement of all aliens, I do give and grant, that if any alien who is or shall be a purchaser, or who doth or shall inhabit in this province or territories thereof, shall decease at any time before he can well be naturalized, his right and interest therein shall notwithstanding descend to his wife and children, or other his relations be he testate or intestate, according to the laws of this province and territories thereof in such cases provided, in as free and

ample manner to all intents and purposes as if the said alien had been naturalized.

Twenty-second. And that the inhabitants of this province and territories thereof, may be accommodated with such food and sustenance as God in his providence hath freely afforded. I do also further grant to the inhabitants of this province and territories thereof, liberty to fowl and hunt upon the lands they hold, and all other lands therein not inclosed; and to fish in all waters in the said lands, and in all rivers and rivulets, in and belonging to this province and territories thereof, with liberty to draw his or their fish on shore on any mans land, so as it be not to the detriment or annoyance of the owner thereof, except such lands as do lie upon inland rivulets that are not boatable, on which are or may be hereafter erected into manors.

Twenty-third. And that all the inhabitants of this province and territories thereof, whether purchasers or others may have the last wordly pledge of my good and kind intentions to them and theirs, I do give, grant and confirm to all and every one of them, full and quiet possession of their respective lands, to which they have any lawful or equitable claim, saving only such rents and services for the same, as are or customarily ought to be reserved to me, my heirs or assigns.

Twenty-fourth. That no act, law or ordinance whatsoever, shall at any time hereafter be made or done by the proprietary and Governor of this province and territories thereunto belonging, his heirs or assigns, or by the freemen in provincial Council or Assembly, to alter, change or diminish the form or effect of this charter, or any part or clause thereof, contrary to the true intent and meaning thereof, without the consent of the proprietary and Governor, his heirs or assigns, and six parts of seven of the said freemen in provincial Council and Assembly met.

And lastly. I the said William Penn, proprietary and Governor of the province of Pennsylvania and territories thereunto belonging, for me, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs nor assigns, shall procure or do any thing or things whereby the liberties in this Charter contained and expressed, shall be infringed or broken, and if any thing be procured by any person or persons, contrary to these premises, it shall be held of no force or effect. In witness whereof, I, the said William Penn, at Philadelphia, in Pennsylvania, have unto this present charter of liberties, set my hand and broad seal, this second day of the second month, in the year of our Lord one thousand six hundred eighty and three, being the five and thirtieth year of the king and the third year of my government.

WILLIAM PENN.

This within charter, which we have distinctly heard read, and thankfully received, shall be by us inviolably kept, at Philadelphia, the second day of the second month, one thousand six hundred eighty and three.

The members of the Provincial Council present:

William Markham,
John Moll,
William Haige,
Christopher Taylor,
John Simcock,
William Clayton,
Francis Whitwell,
Thomas Holme,

William Clark,
William Biles,
James Harrison,
John Richardson,
Philip Thomas Lenmar,
Richard Ingelo, Cl. Coun.

Secr. Gov.

The members of the Assembly present:

Casparus Harman,
John Darby,
Benjamin Williams,
William Guest,
Valentine Hollingsworth,
James Boyden,
Bennony Bishop,
John Beazor,
John Harding,
Andrews Bringston,
Simon Irons,
John Wood,
John Curtis,
Daniel Brown,
William Fitcher,
Thomas Hassald,
John Hart,
Robert Hall,
Robert Bedwell,
William Simsmore,
Samuel Darke,
Robert Lucas,

James Williams,
John Blunston,
John Songhurst,
John Hill,
Nicholas Waln,
Thomas Fitzwater,
John Clows,
Luke Watson,
John Kipshaven,
Alexander Molestine,
Robert Bracy, Senior.
Thomas Bracy,
William Yardly,
John Hastings,
Robert Wade,
Joseph Phipps,
Dennis Rotchford,
John Brinklair,
Henry Bowman,
Cornelius Verhoofe,
John Southworth, Cl. Synod.

Some of the inhabitants of Philadelphia present:

William Howell,
Edmund Warner,

Henry Lewis,
Samuel Miles.

VI. THIRD FRAME OF GOVERNMENT

(November 7, 1696)

*Of the Province of Pennsylvania and the territories thereunto belonging,
passed by Governor Markham, November 7, 1696.*

Whereas, the late King Charles the Second, in the three and thirtieth year of his reign, by letters patent under the great seal of England, did for the considerations therein mentioned, grant unto William Penn, his

heirs and assigns for ever, this colony, or tract of land, thereby erecting the same into a province called Pennsylvania, and constituting him the said William Penn, absolute proprietary thereof, vesting him, his deputies and lieutenants, with divers great powers, pre-eminencies, royalties, jurisdictions and authorities, necessary for the well-being and good government of the said province. And whereas, the late Duke of York and Albany, &c., for valuable considerations, did grant unto the said William Penn, his heirs and assigns, all that tract of land, which hath been cast or divided into three counties, now called Newcastle, Kent and Sussex, together with all royalties, franchises, duties, jurisdictions, liberties and privileges thereunto belonging; which last mentioned tract being intended as a beneficial and requisite addition to the territory of the said proprietary and Governor, at the request of the freemen of the said three counties, by their deputies in Assembly mett, with the representatives of the freemen of the said province at Chester, alias Upland, on the sixth day of the tenth month, 1682, did (with the advice and consent of the members of the said Assembly) enact, that the said three counties should be annexed to the province of Pennsylvania, as the proper territories thereof; and whereas, king William and the late queen Mary, over England, &c., by their letters patent and commission under the great seal of England, dated the twenty-first day of October, in the fourth year of their reign, having (for the reasons therein mentioned) taken the government of this said province and territories into their hands, and under their care and protection, did think fit to constitute Benjamin Fletcher, Governor of New York, to be their Captain General and Governor in Chief over this province and country. And whereas, also the said king and queen, afterwards by their letters patent, under the great seal of England, dated the twentieth day of August, in the sixth year of their reign, have thought fit upon the humble application of the said William Penn, to restore them to the administration of the government of the said province and territories, and that so much of their said commission, as did constitute the said Benjamin Fletcher, their Captain General and Governor in Chief of the said province of Pennsylvania, country of Newcastle, and the territories and tracts of land depending thereupon, in America, together with all the powers and authorities thereby granted, for the ruling and governing their said province and country, should from the publication of the said last recited letters patent cease, determine and become void, and accordingly the same are hereby declared void; whereupon, the said William Penn, did commissionate his kinsman William Markham, Governor under him, with directions to act according to the known laws and usages of this government.

Now, forasmuch as the former frame of government, modelled by act of settlement and charter of liberties, is not deemed in all respects suitably accommodated to our present circumstances; therefore it is unanimously desired, that it may be enacted, And be it enacted by the Governor aforesaid, with the advice and consent of the representatives of the freemen of the said province and territories in Assembly met, and by the authority of the same, that this government shall from time to time consist of the Governor or his deputy or deputies, and the freemen of the said province

and territories thereof, in form of a Council and Assembly; which Council and Assembly shall be men of most note for virtue, wisdom and ability; and shall from and after the tenth day of the first month next, consist of two persons out of each of the counties of this government, to serve as the peoples representatives in Council; and of four persons out of each of the said counties, to serve as their representatives in Assembly; for the electing of which representatives, it shall and may be lawful to, and for all the freemen of this province and territories aforesaid, to meet together on the tenth day of the first month yearly hereafter, in the most convenient and usual place for election, within the respective counties, then and there to choose their said representatives as aforesaid, who shall meet on the tenth day of the third month, yearly, in the capital town of the said province, unless the Governor and Council shall think fit to appoint another place.

And to the end, it may be known who those are in this province and territories, who ought to have right of or to be deemed freemen, to choose or be chosen to serve in Council and Assembly as aforesaid; Be it enacted by the authority aforesaid, That no inhabitant of this province or territories, shall have the right of electing or being elected as aforesaid, unless they be free denizens of this government, and are of the age of twenty one years or upwards, and have fifty acres of land, ten acres whereof being seated and cleared, or be otherwise worth fifty pounds lawful money, of this government clear estate, and have been resident within this government for the space of two years next before such election.

And whereas, divers persons within this government, cannot for conscience sake, take an oath upon any account whatsoever; Be it therefore enacted, by the authority aforesaid, That all and every such person and persons, being at any time hereafter required upon any lawful occasion to give evidence, or take an oath, in any case whatsoever, shall, instead of swearing, be permitted to make his or their solemn affirmation, attest or declaration, which shall be adjudged, and is hereby enacted and declared to be of the same force and effect to all intents and purposes whatsoever, as if they had taken an oath, and in case any such person or persons shall be lawfully convicted of having wilfully and corruptly affirmed or declared, any matter or thing, upon such solemn affirmation or attest, shall incur the same penalties and forfeitures, as by the laws and statutes of England are provided against persons convicted of wilful and corrupt perjury.

And be it further enacted by the authority aforesaid, That all persons who shall be hereafter, either elected to serve in Council and Assembly, or commissioned or appointed to be Judges, Justices, Masters of the Rolls, Sheriffs, Coroners, and all other officers of state and trust, within this government, who shall conscientiously scruple to take an oath, but when lawfully required, will make and subscribe the declaration and profession of their Christian belief, according to the late act of parliament, made in the first year of King William, and the late queen Mary, entitled, An act for exempting their majesties Protestant subjects, dissenting from

the Church of England, from the penalty of certain laws, shall be adjudged, and are hereby declared to be qualified to act in their said respective offices and places, and thereupon, the several officers herein mentioned, shall instead of an oath, make their solemn affirmation or declaration, in manner and form following, that is to say:

The form of Judges and Justices, attest shall be in these words, viz:

Thou shalt solemnly promise that as Judge, or Justice, according to the Governors commission to thee directed, thou shalt do equal right to the poor and rich, to the best of thy knowledge and power, according to law, and after the usages and constitutions of this government, thou shalt not be of council of any matter or cause depending before thee, but shall well and truly do thy office in every respect, according to the best of thy understanding.

The form of attests to be taken by the Masters of the Rolls, Secretaries, Clerks and such like officers, shall be thus, viz:

Thou shalt well and faithfully execute the office of, &c., according to the best of the skill and knowledge; taking such fees only, as thou oughtest to receive by the laws of this government.

The form of the Sheriffs and Coroners attest, shall be in these words, viz:

Thou shalt solemnly promise, that thou wilt well and truly serve the King and Governor, in the office of the Sheriff, (or Coroner) of the county of &c., and preserve the King and Governors rights, as far forth as thou canst, or mayest; thou shalt truly serve and return, all the writs and precepts to the directed; thou shalt take no bailiff nor deputy, but such as thou wilt answer for; thou shalt receive no writs, except from such Judges and Justices who by the Laws of this government, have authority to issue and direct writs unto thee; and thou shalt diligently and truly do and accomplish all things appertaining to thy office, after the best of thy wit and power, both for the King and Governor's profit, and good of the inhabitants within the said county, taking such fees only as thou oughtest to take by the laws of this government and not otherwise.

The form of a Constable's attest shall be this, viz:

Thou shalt solemnly promise well and duly, according to the best of thy understanding, to execute the office of a Constable for the town (or county) of P., for this ensuing year, or until another be attested in thy room, or thou shalt be legally discharged thereof.

The form of the Grand Inquests attests shall be in these words, viz:

Thou shalt diligently enquire, and true presentment make of all such matters and things as shall be given thee in charge, or come to thy knowledge, touching this present service, the Kings counsel, thy fellows and thy own, thou shalt keep secret, and in all things thou shalt present the truth, and nothing but the truth, to the best of thy knowledge.

This being given to the Foremen, the rest of the Inquest shall be attested thus, by three at a time, viz:

The same attestation that your foreman hath taken on his part, you will well and truly keep on your parts.

The form of the attest to be given to the Traverse Jury, by four at a time, shall be thus, viz:

You solemnly promise that you will well and truly try the issue of traverse, between the Lord, the King, and A. B., whom you have in charge, according to your evidence.

In civil causes thus, viz:

You solemnly promise that you will well and truly try the issue between A. B. plaintiff, and C. D. defendant, according to your evidence.

Provided always, and it is hereby intended, that no person shall be by this act excused from swearing, who by the acts of parliament for trade and navigation, are or shall be required to take an oath.

And that elections may not be corruptly managed, on which the good of the government so much depends; Be it further enacted, by the authority aforesaid, That all elections of the said representatives shall be free and voluntary, and that the electors who shall receive any reward or gift for giving his vote, shall forfeit his right to elect for that year; and such person or persons, as shall give or promise any such reward to be elected, or that shall offer to serve for nothing, or for less wages than the law prescribes, shall be thereby rendered incapable to serve in Council or Assembly for that year; and the representatives so chosen, either for Council or Assembly, shall yield their attendance accordingly, and be the sole judges of the regularity or irregularity of the elections of their respective members; and if any person or persons, chosen to serve in Council or Assembly, shall be wilfully absent from the service, he or they are so chosen to attend, or be deceased, or rendered incapable then, and in all such cases, it shall be lawful for the Governor within ten days after knowledge of the same, to issue forth a writ to the Sheriff of the county, for which the said person or persons were chosen, immediately to summon the freemen of the same to elect another member in the room of such absent, deceased, or incapable person or persons; and in case any Sheriff shall misbehave himself in the management of any of the said elections, he shall be punished accordingly, at the discretion of the Governour and Council, for the time being.

Be it further enacted, by the authority aforesaid, That every member now chosen, or hereafter to be chosen, by the freemen as aforesaid, to serve in Council, and the Speaker of the Assembly, shall be allowed five shillings by the day during his and their attendance; and every member of Assembly shall be allowed four shillings by the day, during his attendance on the service of the Assembly; and that every Member of Council and Assembly shall be allowed towards their travelling charges, after the rate of two pence each mile, both going to and coming from

the place where the Council and Assembly is, or shall be held; all which sums shall be paid yearly out of the county levies, by the county receivers respectively.

And be it further enacted by the authority aforesaid, That the Governor or his Deputy shall always preside in the Council, and that he shall at no time perform any public act of state whatsoever, that shall or may relate unto the justice, treasury or trade of the province and territories, but by and with the advice and consent of the Council thereof, or major part of them that shall be present.

And be it further enacted, by the authority aforesaid, That all the Sheriffs and Clerks of the respective counties of the said province and territories, who are, or shall be commissioned, shall give good and sufficient security to the Governor, for answering the King and his people, in matters relating to the said offices respectively.

And be it further enacted, by the authority aforesaid, That the Council in all cases and matters of moment, as about erecting courts of justice, sitting in judgement upon persons impeached, and upon bills and other matters, that may be from time to time presented by the Assembly; not less than two thirds shall make a quorum, and that the consent and approbation of the majority of that quorum, shall be had in all such cases and matters of moment, and that in cases of less moment, not less than one third of the whole shall make a quorum; the majority of which shall and may always determine in all such matters of lesser moment, as are not above specified; and in case the Governors power shall hereafter happen to be in the Council, a President shall then be chosen out of themselves, by two thirds or the major part of them, which President shall therein preside.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall take care that all the laws, statutes and ordinances, which shall at any time be made within the said province and territories, be duly and diligently executed.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall at all times have the care of the peace of this province and territories thereof, and that nothing be by any persons attempted to the subversion of this frame of government.

And be it further enacted by the authority aforesaid, That the Governor and Council, for the time being shall at all times settle and order the situation of all cities and market towns, modelling therein all public buildings, streets and market places; and shall appoint all public landing places of the towns of this province and territories; and if any mans property shall be judged by the Governor and Council, to be commodious for such landing place in the said towns, and that the same be by them appointed as such, that the owner shall have such reasonable satisfaction given him for the same, as the Governor and Council shall see meet, to be paid by the said respective towns.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall at all times have power to inspect the management

of the public treasury, and punish those who shall convert any part thereof to any other use than what hath been agreed upon by the Governor, Council and Assembly.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall erect, and order all public houses, and encourage and reward the authors of useful sciences and laudable inventions in the said province and territories thereof.

And be it further enacted, by the authority aforesaid, That the Governor and Council shall from time to time have the care of the management of all public affairs, relating to the peace, safety, justice, treasury, trade and improvement of the province and territories, and to the good education of youth, and sobriety of the manners of the inhabitants therein, as aforesaid.

And be it further enacted by the authority aforesaid, That the representatives of the freemen, when met in Assembly, shall have power to prepare and propose to the Governor and Council, all such bills as they or the major part of them shall at any time see needful to be passed into laws, within the said province and territories.

Provided always that nothing herein contained shall debar the Governor and Council from recommending to the Assembly, all such bills as they shall think fit to be passed into laws; and that the Council and Assembly may, upon occasion, confer together in committees when desired; all which proposed and prepared bills, or such of them as the Governor with the advice of the Council shall in open Assembly declare his assent unto, shall be the laws of this province and territories thereof, and published accordingly with this stile: *By the Governor, with the assent and approbation of the freemen in General Assembly met*; a true transcript or duplicate whereof shall be transmitted to the kings privy council for the time being, according to the said late kings letters patent.

And be it further enacted, by the authority aforesaid, That the Assembly shall sit upon their own adjournments, and committees, and continue in order to prepare and propose bills, redress grievances, and impeach criminals, or such persons as they shall think fit to be there impeached, until the Governor and Council for the time being shall dismiss them; which Assembly shall notwithstanding such dismiss, be capable of assembling together upon the summons of the Governor and Council, at any time during that year; two thirds of which Assembly, in all cases, shall make a quorum.

And be it enacted, by the authority aforesaid, That all elections of representatives, for Council and Assembly, and all questions to be determined by them, shall be by the major part of votes.

Be it further enacted, by the authority aforesaid, That as oft as any days of the month mentioned in any article of this act, shall fall upon the first day of the week, commonly called the Lords day, the business appointed for that day, shall be deferred till the next day, unless in cases of emergency.

Be it further enacted, by the authority aforesaid, That if any alien, who is or shall be a purchaser of lands, or who doth, or shall inhabit in this province, or territories thereof, shall decease at any time before he can well be denizised, his right and interest therein shall, notwithstanding, descend to his wife and children, or other his relations, be he testate or intestate, according to the laws of this province and territories thereof, in such cases provided, in as free and ample manner, to all intents and purposes, as if the said alien had been denizised.

And that the people may be accommodated with such food and sustenance, as God in his providence hath freely afforded: Be it enacted, by the authority aforesaid, That the inhabitants of this province and territories thereof, shall have liberty to fish and hunt upon the lands they hold, or all other lands therein, not enclosed, and to fish in all waters in the said lands, and in all rivers and rivulets, in and belonging to this province and territories thereof, with liberty to draw his or their fish upon any mans land, so as it be not to the detriment or annoyance of the owner thereof, except such lands as do lie upon inland rivulets, that are not boatable, or which hereafter may be erected into manors.

Be it further enacted, by the authority aforesaid, That all inhabitants of this province and territories, whether purchasers or others, and every one of them shall have full and quiet enjoyment of their respective lands and tenements, to which they have any lawful or equitable claim, saving only such rents and services for the same, as are or customarily ought to be reserved to the lord or lords of the fee thereof respectively.

Be it further enacted, by the authority aforesaid, That no act, law, or ordinance whatsoever, shall at any time hereafter, be made or done by the Governor of this province and territories thereunto belonging, or by the freemen in Council or Assembly, to alter, change or diminish the form and effect of this act, or any part or clause thereof, contrary to the true intent and meaning thereof, without the consent of the Governor, for the time being; and six parts of seven of the said freemen in Council and Assembly met. This act to continue and be in force, until the said Proprietary shall signify his pleasure to the contrary, by some instrument under his hand and seal in that behalf.

Provided always, and it is hereby enacted, That neither this act, nor any other act or acts whatsoever, shall preclude or debar the inhabitants of this province and territories, from claiming, having and enjoying, any of the rights, privileges and immunities, which the said Proprietary for himself, his heirs and assigns, did formerly grant, or which of right belong unto them the said inhabitants by virtue of any law, charter or grants whatsoever, any thing herein contained to the contrary, notwithstanding.

VII. HISTORICAL NOTES ON WILLIAM PENN

(Founder, Master Builder, and Statesman)

ANCESTRY AND BIRTHPLACE

William Penn, Founder, Proprietor, and Governor of Pennsylvania, was born October 14, 1644 (old style), in his parents' house on Tower Hill in London, near the historic old fortress known as the Tower of London.

He was the only surviving son of the naval hero of his day, Admiral Sir William Penn and his admirable wife, Margaret Jasper, who was the young widow of a Dutch merchant in Rotterdam, Holland, but known to have lived in Ireland in her youth and to own an estate there.

CHILDHOOD

Penn's childhood was spent on Tower Hill. He was reared in a home where Christian instruction was emphasized, and the ideals of truth, honor, and justice were inculcated. He looked upon the grey walls of the old prison-fortress. He read and heard discussions about the history of many illustrious persons who suffered imprisonment and death there. The fate of Sir Walter Raleigh, who from boyhood had been one of his heroes, profoundly affected the thought of the young Penn. While yet a boy he resolved that he would one day strive to teach and show the world a better and wiser way than to execute good men for honest differences of opinion.

While a youth, it came to pass that he himself was to be held a prisoner in the grim old Tower seven months without trial, a victim of the cruel religious persecution prevalent at that time. He did not mope or complain; he bore himself with courage and fortitude. He spent his time in earnest thought, in serious contemplation, and in writing one of his greatest books, "No Cross, No Crown," which to this day is judged to be one of the noblest classics of religious instruction.

INFLUENCE OF THOMAS LOE

At the age of eleven years he heard a powerful sermon by Thomas Loe, a Quaker preacher, who visited his father's house. It was related that many listeners were moved to shed tears. This man, Thomas Loe, was a man of destiny in the life of William Penn; the influence of his teaching led the young Penn toward his great work as a master builder of a nation, and an immortal statesman.

A few years later when William Penn was a student in Christ Church College, Oxford, he again heard a sermon given by Thomas Loe, the Friend . . . the name Quaker was applied in derision to members of the

Society of Friends by their enemies and has improperly remained in use . . . which won his conversion to the Quaker faith. The King commanded every student to wear the surplice vestment, and to worship according to the rituals of the Established Church. They were subject to fine and punishment if they disobeyed this order. This, Penn, and a number of other students refused to do, claiming that conscience had the prior right over man's commands. So vigorously did the young Penn resist obeying this order that he was expelled from college.

INCURS HIS FATHER'S DISPLEASURE

His father was angry and disappointed. He had hopes for a brilliant future for his son, who had wealth, education, a fine appearance, a bright mind, influential friends, the interest and personal friendship of the King. All these must not be wasted because of what his father judged to be a boyish whim to join the Quakers, who were at that time considered a troublesome and unpopular sect. He beat his son and drove him from his home, hoping to cure him. The mother affected a reconciliation and William was sent to the Continent with friends of rank for diversion and study. Young William mingled freely with the people; was received by the King and Court; learned to speak French, Italian, and other languages, and attended the Protestant College at Saumur, France, where he made a comparative study of early religious doctrines and church history.

Despite their differences there was always a strong bond of affection between father and son. Admiral Penn recalled William to England and requested that he become a student of the law at Lincoln's Inn, which he did. He was later to prove upon many occasions that he had been an excellent student. He cited line and page from memory in his address to the Court at the time of his trial at the Old Bailey Street Sessions House. Furthermore, his knowledge of the law was to be of great value to him in aiding him to act as counsel in defense of himself and others when subject to religious persecution, and in the preparation of legal instruments to serve his great cause of religious and political liberty. The following year there came to London a terrible and devastating outbreak of the plague, the suffering and horror of which deeply affected William Penn and drove him from London. He interpreted this scourge as a discipline of the people by Providence, and his religious concentration was intensified.

JOINS THE SOCIETY OF FRIENDS IN 1667

While in Ireland attending to business connected with his father's estates there, he again met and heard Thomas Loe, who had been his classmate in Oxford. He resolved to join the Quakers, Society of Friends. He became a Quaker in 1667, and answered the call he felt to teach and preach. He was convinced that if all the people were Quakers this would be a better and happier world. His father was so angry that he would not speak to him and but for the pleading of his devoted mother would again have driven him from home. Young William was to be tried as by fire.

The character of William Penn was moulded by the events of the serious, troubled period following civil war in England, and in many countries the fierce religious strife consequent upon the Martin Luther Reformation.

The net of religious persecution was tightened in 1670 when Parliament renewed the Conventicle Act which declared it to be seditious and unlawful for more than five persons to meet together for religious worship according to any other than the national ritual. Every person above sixteen years was liable to be fined five pounds or imprisoned three months for a first offence; for a second offence to be fined ten pounds or imprisoned six months; for the third offence to be fined one hundred pounds or transported for seven years; for every "feature of aggravation" an additional fine of one hundred pounds was inflicted.

ARREST OF WILLIAM PENN

In August of that year William became a victim of this Act. Friends who went to their meeting-house on Gracechurch Street, London, found themselves locked out and the door guarded by soldiers. After the congregation of about 300 persons had waited in silence in the street for some time, William Penn, who was one of the company, removed his hat and began to speak. He was arrested immediately and with him William Mead, an old soldier and a friend of Penn, who had been standing near him. Upon Penn demanding to be shown their authority for this act they produced a *warrant prepared beforehand* and signed by the Lord Mayor. Penn and Mead were thrown into a wretched prison in Newgate Market and brought to trial in the King's Court in the Old Bailey three weeks later.

In England, in those days, every prisoner charged with *misdemeanor* had the right to be defended by counsel; this right was denied to a prisoner indicted for *felony*. William Penn and William Mead were charged with "Tumultuous Assembly," which was classed as a felony. To read the story of that trial is to be deeply stirred by a great historic drama. An eminent Pennsylvania jurist has written of Penn's trial, "I know of no more splendid instance in the volumes of English state trials, of courage, determination, address, and ample knowledge of the law on the part of any prisoner. Penn was not simply a Quaker pleading for the rights of conscience, but an Englishman contending for the ancient and imprescriptible rights of his race. That scene should be painted upon the panels of the Capitol so that men of future ages may know what a debt they owe to the founder of this Commonwealth." Penn secured to prisoners in Pennsylvania the right to be heard by counsel more than 120 years in advance of England and other nations.

At Penn's trial in the Old Bailey Sessions House there were ten justices upon the Bench. The Lord Mayor of London, five aldermen, the Recorder of London, and three sheriffs, all of whom acted as judicial officers.

A DRAMATIC HISTORY-MAKING TRIAL

The young Quaker lad—he was only in his twenty-fifth year—single-handed met this array of prosecutors with remarkable self-possession,

THE
Peoples {Ancient?
and Just} Liberties
ASSERTED,
IN THE
T R Y A L
O F

William Penn, and William Mead,

At the Sessions held at the *Old-Baily* in *London*, the
first, third, fourth and fifth of *Sept. 70.* against
the most Arbitrary procedure of that Court.

*Isa. 10. 1, 2. Wo unto them that Decree Unrighteous Decrees, and
write grievousness, which they have prescribed; to turn away the
Needy from judgment, and to take away the right from the Poor, &c.
Psal. 94. 20. Shall the Throne of Iniquity have fellowship with thee,
which frameth mischief by a Law:*

Sic volo, sic jubeo, stat pro ratione voluntas.

Old-Baily, 1st. 3d. 4th, 5th of Sept. 1670.

Printed in the Year, 1670.

spirit, courage, a display of keen intellect, and brilliant knowledge of the law. While waiting in prison for his trial Penn had prepared an address, summing up the inalienable rights of Englishmen, to be used in his defense. He was not permitted to make this statement. Penn afterward had the speech published. Its title is "The Golden Rule Against Tyranny." It reveals a most remarkable intellect and is listed among The World's Best Orations. At the trial it was said that the judges forgot themselves and turned in to bully and browbeat the prisoner, so determined were they to suppress Quakers and other Dissenters once for all.

BULLYING THE PRISONERS

The prisoners were brought into court on the morning of the third day. They approached the courtroom with their hats on, which were violently removed by an officer stationed at the door. The Lord Mayor shouted out to the officer: "Sirrah, who bade you to take off their hats? Put them on again." He then rebuked the prisoners for showing lack of respect for the King's Court by wearing their hats in the court room. The Recorder of the trial announced that the Court set forty marks apiece on their heads as a fine for contempt of court.

Penn replied: "I desire it may be observed that we came into Court with our hats off—that is, taken off—and if they have been put on since, as they have been, it was by order of the Bench, and therefore not we but the Bench should be fined."

The Court continuously interrupted Penn, would not listen to his replies, and finally ordered him hurried away to the bale-dock (an enclosed space at the extremity of the Court House in which he could neither see nor be seen). William Mead was also placed in the bale-dock with him. The Recorder then began to charge the jury. William Penn heard a part of this charge, and raising his voice so as to be heard at the great distance, said: "I appeal to the jury, who are my judges, and to this great assembly, whether the proceedings of the Court are not most arbitrary, and void of all law, in endeavoring to give the jury their charge in the absence of prisoners. I say it is directly opposite to, and destructive of, the undoubted right of every English prisoner, as Coke on the chapter on Magna Charta speaks." After this the prisoners were taken to their cells.

ATTEMPT TO COERCE THE JURY

As the Quakers were unarmed and had met only in the street, not in any conventicle, or meeting-house, they had violated no law. Penn pointed this out to the Court. The jury did not bring in a verdict to suit the desire of the Court. Their verdict was, "William Penn is guilty of speaking in Christchurch Street." This was not a crime and the Recorder was angered. He felt that he was being cheated of his prey. He addressed the jury, "Gentlemen, you shall not be dismissed till we have a verdict that the Court will accept. You shall be locked up without meat, drink, fire, or tobacco; we will have a verdict by the help of God or you shall starve for it."

The jury was kept two days and nights suffering extremely from the lack of every need of comfort, convenience or necessity, but they did not change their verdict "Not Guilty." The name of Edward Bushel, foreman of the jury, "should be held in everlasting remembrance." His steadfast courage and unconquerable spirit matched that of the distinguished prisoner.

RIGHT OF JURORS ESTABLISHED

When the jury refused to bring in a verdict ordered by the Court both the jury and prisoners were fined and sent to Newgate Prison. Penn refused to pay the fine that would secure his freedom. He counseled the jury to bring legal action against the Lord Mayor for false imprisonment. Able counsel defended them and their case was won. "This trial established the right of jurors to reach a verdict without dictation or coercion from the bench; its importance cannot be overestimated," is the opinion of an eminent jurist and student of history. Admiral Penn became seriously ill. He wished to see his son, and secretly paid the fine of William and Mead and they were released. The Admiral died within a fortnight.

"WE MUST GIVE WHAT WE ASK"

The valiant young Penn raised the standard of universal religious toleration and never lowered it. "For this cause he was often an inmate of jail for months at a time. He suffered in succession the *deprivation of his Province, loss of friends, good name, and fortune*. "Let no one judge that he labored for his own sect, only; he wrought for all mankind. He told Quakers, "We must give what we ask." He demanded not a mere toleration but an absolute equality before the law in every particular for all races and religions. He insisted at all times "this great cardinal principle must be inviolate in law." His book with the modest title, "Persuasives to Moderation," caused 500 Quakers to be released from prisons in England.

His unceasing efforts and persuasion resulted in the release from prison and the exoneration from heavy fines of hundreds of Catholics. Presbyterians who had been persecuted and exiled were recalled and their forfeited estates returned to them. In 1687, Penn persuaded the King to issue a Declaration of Indulgence which caused 1800 persecuted persons to be liberated from prison and saved many thousands of others from future persecution.

PENN INTERESTED IN AMERICA

It was the period when America was being colonized. From early youth Penn had followed the development of the New World with keen interest. When an opportunity came in 1675 to purchase from a Quaker friend a large tract of land in Western New Jersey he, with two others, made the purchase and opened Western New Jersey for sale. Having fullest confidence in William Penn the persecuted Quakers pressed eagerly for a place of peace, for a refuge in the haven he offered to them.

The FRAME of the
GOVERNMENT
OF THE
Province of Pennsylvania
IN
A M E R I C A :
Together with certain
L A W S
Agreed upon in England
BY THE
GOVERNOUR
AND
Divers FREE-MEN of the aforesaid
PROVINCE.

To be further Explained and Confirmed there by the first
Provincial Council and General Assembly that shall
be held, if they see meet.

Printed in the Year MDCLXXXII.

FACSIMILE OF TITLE-PAGE OF PENN'S "FRAME OF GOVERNMENT," 1682.

PETITIONS KING CHARLES II FOR A GRANT

It appears probable that from this experience in New Jersey came his decision to petition King Charles II for a grant of land to be given him in payment of a debt £16,000 with interest, which was many years overdue.

The Charter of King Charles II is the instrument which granted to William Penn the territory now comprising Pennsylvania and gave him absolute power to rule as he wished. It was signed March 4, 1681. The same year the Duke of York conveyed to Penn three counties which now form the State of Delaware.

Penn was a favorite with Charles II and James I, who admired his courage. While these friendships enabled him to serve his Quaker friends and his great cause of religious toleration for all, they caused his life to be put in jeopardy in the reign of William and Mary, which followed the Revolution of 1688. The new monarchs were suspicious and oppressive toward all friends of the former monarchs. It has been suggested that, to the gay and improvident Charles II, the grant of 45,000 square miles in a distant wilderness seemed an easier payment than one made in English gold. He may also have found the outspoken young Penn, son of a rich and distinguished Admiral, to whom he was under obligation, and an able and courageous Quaker, troublesome at times, as his Cavaliers had little sympathy with the simple austerities of Quaker customs. The King may have hoped to be relieved of more than one vexing problem by this grant.

WRITING THE GREAT CHARTER

After receiving the grant from the King, Penn bent all his energies to the writing of his Frame of Government for Pennsylvania. The instrument was prepared in George Yard, Lombard Street, London, in the office of his lawyers and advisers, Thomas Rudyard, and Herbert Springett. April 25, 1682 was a momentous day in world history when, in the presence of his attorneys and eleven other colleagues in his undertaking, he affixed his signature and attesting seal to the Charter.

Of the thirteen witnesses whose hands are set upon the back of the document, who were themselves notable men, two had been Oxford students, eleven were Quakers. Four of them became Pennsylvania immigrants.

PENN'S PHILOSOPHY OF GOVERNMENT

William Penn stated his philosophy of government in his Preface which he wrote to be printed with the text of the Charter for general circulation: *"Any Government is free to the People under it (whatever be the Frame) where the Laws Rule, and the People are a Party to those Laws. Governments, like Clocks, go from the motion Men give them, and as Governments are made and mov'd by Men, so by Them they are Ruin'd, too: wherefore Governments rather depend upon Men, then Men upon Governments. Let Men be good, and the Government can't be bad; if it be ill, they will cure it; but if Men be bad, let the Government be never so good, they will endeavour to warp and spoil it in their Turn."*

SOME
ACCOUNT
OF THE
PROVINCE
OF
PENNSYLVANIA
IN
AMERICA;
Lately Granted under the Great Seal
OF
ENGLAND
TO
William Penn, &c.

Together with Priviledges and Powers necessary to the well-governing thereof.

Made publick for the Information of such as are or may be disposed to Transport themselves or Servants into those Parts.

LONDON: Printed, and Sold by Benjamin Clark
Bookseller in George-Yard Lombard-street, 1681,

FACSIMILE OF TITLE-PAGE OF PENN'S "SOME ACCOUNT OF THE PROVINCE,"
LONDON, 1681

PURPOSE

Penn's purpose was stated with great clarity. The end sought "*To support Power in Reverence to the People, and to secure the People from the Abuse of Power.*" "*Liberty without Obedience is confusion, and Obedience without Liberty is Slavery.*" His purpose was to provide a sanctuary for all religious refugees, to establish religious, social, and political liberty. He gave to the world a model for a free government. "*I have obtained it, and desire that I may not be unworthy of His love, but do that which may answer His kind providence, and serve His truth and peace; that an example may be set up to the nations; there may be room there for such an holy experiment.*"

A DOCUMENT OF WORLD SIGNIFICANCE

Dr. Albert Cook Myers, a former Secretary of the Pennsylvania Historical Commission, and a distinguished Penn student, gave a learned appraisal of this great historical document in his Historical Note on this subject. "The Charter is much more than a quaint relic of the long ago that might engage the idly curious. The work of one of the most illustrious of Englishmen and foremost founder of the American Nation, it is a great organic instrument of human government. Enunciated nearly two centuries and a half ago as the basis of Penn's 'Holy Experiment,' it is a document that has profoundly affected the subsequent development not



alone of the Province and State of Pennsylvania, but also of the greater American Commonwealth, and through that of all the governments of civilization. It is of the deepest world significance and a precious heritage of the race to be revered of all men."

The Charter was carried to Pennsylvania on the ship *Welcome* by Proprietor Penn on his first trip in the Fall of 1682. Pennsylvanians take pride and pleasure in commemorating the date of William Penn's arrival—Penn Day, October 24th of each year. The Charter was confirmed at the first Legislative Assembly held at Chester, Pennsylvania, December 4, 1682. The Pennsylvania colonists learned by experience that some of the provisions were not suited to the needs and conditions of a pioneer colony. They presented their requests to Penn and after conference with the representatives of the people, a second charter to the province at Philadelphia was prepared. April 2, 1683, in the presence of the Council and the Assembly, the first Charter was returned to Penn with "Ye hearty thanks of ye whole house" and Governor Penn gave them the second Charter for which they had petitioned. Penn took the first Charter to England when he returned.

COLONISTS WITH HIGH IDEALS

The Penn Province colonists did not come with fire and sword, with a lust for blood, for gold and conquest. These colonists came with sublime faith and goodwill, as conscripts of peace, and as builders of a better world. They gave to the world a never to be forgotten demonstration of the power of love and good faith, of justice and brotherhood in human society. Penn said, "You can not serve your brother by slaying him."

THE PROVINCE PROSPERS

The prosperity and progress of the province of Pennsylvania was without parallel in colonial history. Immigrants from many nations poured into Pennsylvania. Its internal quiet, peace with the Indians, its just laws, the religious, social, and political freedom drew among its refugees hardy pioneers, scholars, writers, composers, artists, teachers, builders and artisans, men and women of vision, initiative, and high ideals. "It was the happy lot of Pennsylvania to have the seeds of liberty planted deep in its virgin soil."

TREATY WITH THE INDIANS

Although Penn had bought his Pennsylvania lands, had received a grant from the English king, and had a title regarded as perfect by civilization, yet on his arrival in the Delaware, he bought the land again from the Indians he found living there. Under the Elm at Shackamaxon, June 23, 1683, he made his famous traditional Treaty with the Indians of which Voltaire wrote, "This is the only Treaty between nations which was not reduced to parchment or ratified by an oath, and yet was never broken."

"Nothing more deeply impressed the imagination of the world than Penn's treatment of the Indians and the scrupulous fidelity with which both contracting parties kept this covenant for three-quarters of a century.

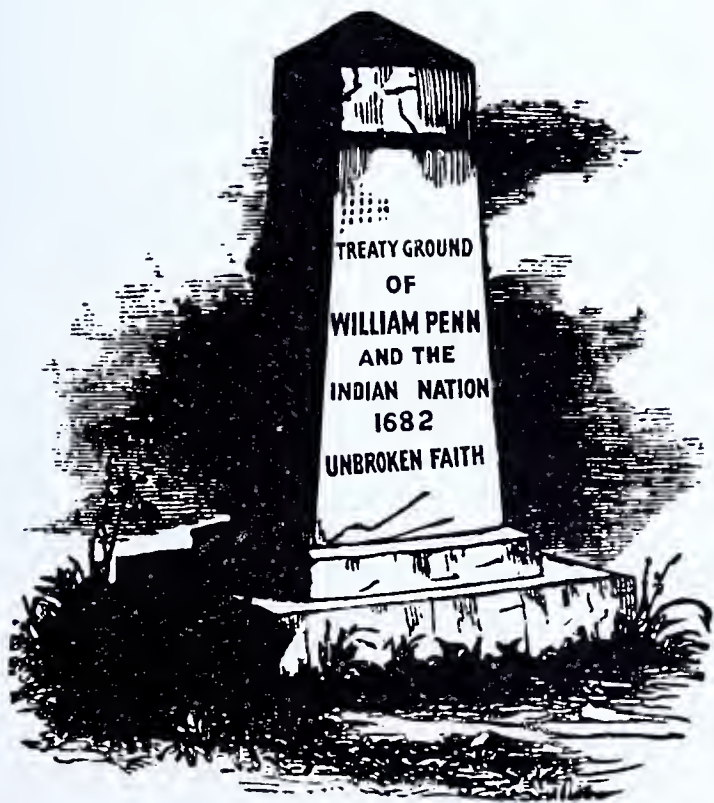
They lived in fraternal amity with each other. No complaint of broken faith was heard and not a drop of blood was shed in Pennsylvania."

"The story of this Treaty and of its fruits presents the most pleasing passage in history," wrote one historian, "It exhibits the Indian, not as destitute of normal faculties and instincts, not as a demon and a brute who thrives only in treachery and murder, but as capable of cherishing some of the best affections of humanity, the sentiments of consistent friendship, and enduring gratitude."

Because they often saw Penn writing, the Indians gave him the name Onas, the Indian word for quill or Penn.

Penn considered Taminent, the Indian Sachem with whom he dealt, one of nature's noblemen. The Indians watched over the white children and the settlers' homes to protect them from danger. They brought gifts of fruits, grain, and game when food was scarce. Penn learned the Indian language in order to promote better feeling and avoid misunderstandings.

"On one occasion when Penn returned from a journey the Indians wished to make a ceremony to welcome him. Cordially he went among them, and ate with them their roasted acorns and hominy. Proud and happy the Indians began to show off before him, running and jumping, whereupon, the Governor, who had often won foot-races and hurdles in his school days, sprang up and out-ran and out-jumped them all. And doing so won their hearts."



Penn visited New York, Western New Jersey, his first Colonial venture in the New World and Maryland; he established friendly relations with the Dutch and Swedish colonists along the Delaware River, and with the Indians; he organized the Province and set up magistrates and courts and laid out the City of Philadelphia. Penn set sail for England August 12, 1684.

FROM ADDRESS DEDICATING THE PENN MEMORIAL TABLET

"Having finished his work he returned to the country of his birth, leaving behind him a flourishing and prosperous State in which peace prevailed, justice was done, and fair dealing between man and man was the rule. While he conferred the means of happiness upon a distant colony, he gave to Europe *the model of a government founded on justice, benevolence, and the right of man.*"

PENN DEPRIVED OF HIS PROVINCE

King Charles II died soon after Penn's return. He had been on friendly terms with James II but was not in the favor of the new monarchs. He was charged with having secret correspondence with James II who had fled to France. Nothing was proven against him but it was necessary for him to live in seclusion.

He was deprived of his Province and in April, 1693, Colonel Benjamin Fletcher, the Governor of New York, was appointed to be also Governor of Pennsylvania and the Three Lower Counties. Colonel Fletcher, the new governor, tried to force the Penn Province colonists to help in preparation for war. This their religious convictions forbade and they refused. They resented the fact that their taxes were greatly increased to pay war costs. There was great rejoicing in Pennsylvania when William Penn's Province was finally restored to him in 1694 by the King and Queen, William and Mary.

A PERSONAL SORROW

A great personal sorrow came to Penn about this time. In his 28th year, 1670, he had married the beautiful and gracious Gulielma Springett of a gentle Sussex family, cousin of his friend, lawyer, and trusted adviser, Harbert Springett. It was a happy marriage. It was his "crowning trial" when this beloved wife failed in health through these trying years and died in 1693, just after she had the happiness of knowing that her husband was exonerated and once more free of suspicion and persecution.

Two years after the death of his first wife, "Guli," he married in the Friends' Meeting House, Bristol, Hannah Callowhill, an excellent woman who proved herself a helpful wife esteemed by all. It was her children who succeeded to proprietaryship on the death of Penn. Penn's daughter, Letitia, was the daughter of his first wife. She was twenty-five years of age when she came to Pennsylvania with her father and his second wife in 1699.

PENN'S RETURN TO PENNSYLVANIA

William Penn, with his wife and family, returned to Pennsylvania in 1699, after an enforced and troubled interval of seventeen years. He brought with him, as his secretary, a young Irish Quaker, James Logan, who by his fine abilities and faithfulness to Penn's purposes and policies and his marked capabilities for business and administration, was rapidly advanced to have charge of both government and property as the Penns' representative. He served in this capacity with honor for forty years. Logan knew how to win and keep the friendship of the Indians.

The Penn family moved to Pennsbury Manor on the Delaware, nearly opposite Burlington, New Jersey, located on lands purchased from the Indians. The Manor estate extended nearly two miles along the river and the Proprietor and Governor had many choice and rare plants, fruits, trees, and flowers sent from England to be planted on the grounds. He also caused many of the native wild flowers to be transplanted to his garden.

One of the happiest and most unforgettable pictures in the life of William Penn is that relating the story of his entertainment of his Indian neighbors. It is told that once the Governor entertained so many Indians that the tables were spread in his gardens and along the avenues and among the dishes provided were 100 turkeys, venison, and other meats. The Indians entertained the Penn family with their dances and music.

Penn gave to the nations a model of free government; he gave, also, an example of how to live with diverse types of people in peace, prosperity, and happiness. No sum, however great, expended for arms and soldiers could have protected the people of Penn's Province half so well as did the scrupulous truth, honesty, and goodwill expressed in all relations between them.

PENN'S APPEARANCE AND TRAITS OF CHARACTER

It is to be regretted that Benjamin West, the early Colonial artist, quite innocently gave to the world a very misleading portrait of William Penn. He painted a picture of Penn's Treaty with the Indians. He had never seen William Penn and he chose for the figure to depict him a model of what he considered to be a typical Quaker as he saw them about him—a man short, stout, about sixty years of age, with a thick curly wig, wearing the wide hat and sober Quaker costume.

Friends of Penn protested what they called "the squat, ungainly figure" West had painted, and in so doing they wrote an excellent description of the Founder of Pennsylvania. William Penn was only thirty-eight years of age when he first arrived in Pennsylvania, October 27, 1682. He was tall, graceful, and of athletic physique, strikingly handsome (Mr. Pound quotes a lady in Philadelphia as saying, "William Penn is the handsomest gentleman I ever saw"), expert at fencing and other sports, possessed of a manly and courtly demeanor, a gay wit, an even, happy, and affectionate disposition—"a fine person." An example of Penn's ready wit and apt replies is given in an incident told of Penn and King Charles II. In reply

to the King, who had asked the difference between their respective religions, Penn answered, "the same difference as that between thy hat and mine; thine has feathers, mine does not."

The beautiful portrait of William Penn in armor was painted when he was twenty-two and is now in the gallery of the Historical Society of Pennsylvania.

He was carefully educated by tutors in his home, and at the University of Oxford, also at Protestant College, Saumur, France; was learned in the law, a fine linguist, a writer, and an eloquent speaker.

RETURNS A SWORD

Penn was converted to the Quaker faith when he was sixteen years of age. From that time he was out of sympathy with the extreme formality of the Court customs and etiquette. One evening while in Paris, a man attacked him on the street for an imagined affront because Penn had failed to observe a detail of the prevalent formality. Penn, like all young men of the time, was armed. He was an expert fencer and quickly and easily defeated his assailant, disarmed him, returned his sword to him, and permitted him to go his way without punishment, to the great astonishment of his adversary.

Later Penn commented on this incident, saying it showed "what envy, quarrels, and mischiefs have happened among private persons upon their conceit that they have not been respected because of an omission of some small matter of form." "Suppose he had killed me," he added, "or I, in my defense, had killed him. I ask any man of understanding or conscience if the whole round of ceremony were worth the life of a man?" Penn gave at all times a practical example of faith and works.

A FRIEND OF GREAT THINKERS AND MARTYRS

It is interesting to learn that he was the friend and intimate companion of the foremost thinkers and scholars of his time. These included the great poet John Milton, John Locke, the author of "On Human Understanding," whose argument on Civil Liberty had been described as the cornerstone on which free institutions everywhere are based, and also that profound student of government, Algernon Sidney, of whom Bishop Burnett wrote: "He was a man of most extraordinary courage. He was an enemy to everything that looked like monarchy or tyranny. He had studied the history of government in all its branches beyond any man I ever knew." Sidney died a martyr to his cause; he was beheaded on account of his writings, "Discourses on Government," although they were never published.

There remains for us physical evidence that William Penn sat down with these two men and discussed his great Charter of Liberty with them. There are marginal notes and interlineations of words and phrases in the Charter known to be in the handwriting of Locke and Sidney.

THE WALKING PURCHASE

Penn and the Walking Purchase is another illustration of the spirit of fair dealing and brotherly love that Penn practiced in his relations with the Indians: "At one time when he was to make a purchase, he agreed with the Indian Chief to pay a certain sum for a tract which would extend back as far as a man could walk in three days. William Penn started forth accompanied by several Indians. The Indians were not prone to hurry and William Penn, knowing this characteristic, made allowance for it. They often sat down to rest, smoke, eat or talk. The journey progressed slowly. At the end of a day and a half they had covered a little over thirty miles and William Penn decided they had gone far enough for the present. He never finished the walk himself.

"Unfortunately for the credit of white men, the story does not end there. In 1733, the then Governor (Patrick Gordon) decided to walk off the remaining day and a half. He hired the fastest walkers in the colony and these, hardly waiting even for a bite to eat, walked about eighty-six miles in the day and a half. But although this Governor gained a great deal more land than William Penn, he lost the precious thing which William Penn had, the trust and friendship of the Indians."

FURTHER HISTORY OF THE CHARTER

Penn undoubtedly took the first Frame of Government for Pennsylvania to England when he returned from his first visit to his Province. The Charter disappeared and was not seen or heard of for a century and a quarter. It was found in England in the possession of Richard Almack, Melford in Suffolk. He had received it by bequest from a brother antiquary, William Dalton, who died in his ninety-fourth year.

Dr. Richard Maris, an Orthodox Quaker of Philadelphia, arranged for the purchase of the Charter through an English Quaker book seller and it was again brought to Pennsylvania. Upon the death of Doctor Maris it was purchased from his estate for five thousand dollars by a Philadelphia collector, George C. Thomas, whose heirs, in turn, sold it at auction in that city, November 28, 1924, to a New York dealer, Gabriel Wells.

PURCHASE FUND RAISED BY POPULAR SUBSCRIPTION

A campaign to raise funds by popular subscription for the purchase of the Charter to be presented as a "perpetual gift" to the Commonwealth was promptly sponsored by the Philadelphia Public Ledger. Donations poured in from individuals and organizations from every county in the State, and from more distant places. A total of 3,693 separate contributions were received by Christmas Eve, 1924, one month after the subscription was announced.

It was found that the required sum of \$25,000 was over-subscribed and the Penn Frame of Government was purchased to become once more the precious possession of the State of Pennsylvania as the acknowledged source of its greatness.

When a date was set for the formal presentation of the Charter to the State, March 25, 1925, the City of Philadelphia at public exercises in Independence Square bid farewell and God speed to the Penn Charter. College and university students marched to the Square in solid formation, to the strains of patriotic music, and with flags flying. Distinguished speakers declared "the Penn Charter of Liberties is the most important document in the history of democracy in the United States, with the single exception of the Declaration of Independence which it foreshadowed.

"It stands for the most valuable inheritance we have, the inheritance of liberty, of freedom, without which all the lands in this vast property of which Penn was the Proprietor would have been worth little to the pioneers who came to occupy them."

CHARTER OFFICIALLY PRESENTED TO THE COMMONWEALTH

William Penn's first Charter to the people of Pennsylvania was presented to the Commonwealth in a brilliant and impressive ceremony in the House of Representatives at Harrisburg, March 25, 1925. The highest officials of the State government took part in the ceremony. The honorable Mrs. Flora M. Vare, first woman State Senator in Pennsylvania, was Chairman of the General Committee for the presentation ceremony. An Indian chief, Strong Wolf, in feathered head-dress and wampum necklaces, a descendant of the Ojibways with whom Penn concluded a lasting amity, was present and inaugurated the ceremony.

Before giving the invocation he said, "In the black period of the history of my people, there is one ray of sunshine, that surrounds the history of the Charter presented here today." Then followed his invocation "to the Great Spirit trusted by the reverent hearts of all ages and all peoples."

David E. Smiley, trustee for the contributors for the fund with which the Charter was purchased, editor of the Public Ledger, presented the Charter to the State in the following words: "The time has come, Your Excellency, for me to fulfill my mission as trustee for the contributors. I hand you this precious Charter with the prayer that you and your successors will guard it carefully as the symbol of our liberties and that our people will ever defend and preserve the sacred rights which it established and confirmed."

The Charter was received for the Commonwealth by Governor Gifford Pinchot. Acceptance addresses were also given by Honorable Franklin Spencer Edmonds, for the Assembly, and by Honorable David Jones Davis, Lieutenant-Governor, President of the Senate.

The significance of the Penn Charter of Liberty and of "the Holy Experiment," this practical application and demonstration of man's faith in God and man, has now attained world recognition.

On the occasion of the commemoration of the two hundred fiftieth anniversary of the first arrival, October 24, 1682, of William Penn in

America, there was an international radio broadcast of three-minute speeches, commemorative of William Penn, in historical sequence as follows: The Queen of Holland; the King of Sweden; the President of the United States; the Governor of Pennsylvania; the Governor of New Jersey; the Lord Mayor of London; the Mayor of Deal, England, the port from which Penn sailed for America; the Mayor of New Castle; the Mayor of Chester; and the Mayor of Philadelphia.

A distinguished jurist speaking on this occasion, summarizing the benefits conferred upon the people by the great Penn Charter, stated: "He severed church from state; secured the rights of conscience; joined religious liberty to civil security; armed citizens with the ballot; converted the degenerating prisons into rehabilitating workshops; abolished the infamy of jailers' fees; punished perjury and extortion; destroyed multiplicity of law suits; secured freedom of trial by jury; abolished the unjust inequalities of primogeniture." He reduced the number of crimes punishable by death from 200 which then prevailed in English law to two—murder and treason. He provided for the education of the young and elections by the people; encouraged literature and art; rewarded science and strove to liberate, develop, and ennoble the people and to secure peace and happiness for all. William Penn was the first to suggest a Peace League for Europe, thus he foreshadowed the League of Nations. He was the first to advocate that the American colonies form into an organic union to vision these United States.

PERSECUTION DEFEATS ITSELF

Writing on Freedom to Think, Adams has noted: "That jails, persecution, poverty or threats cannot smother or kill the right to think. Rather they have created and aroused thought; have caused the human brain to produce ideas that have swept tyrants from their thrones and put an end to empires that scorned this right."

PENN'S LATER YEARS

Embarrassment, misunderstanding, and misrepresentation came in Penn's later years. He was the victim of a dishonest employe whom he had trusted and who betrayed his trust. Sorrow and illness came also. He died July 30, 1718, and his remains lie in the burial ground of Jordans Meeting-house in Buckinghamshire, about twenty miles from London. About him are the graves of members of his family; Guli Penn, his wife; Hannah Penn, also his wife; Isaac, Mary, and John Penington; Thomas and Mary Ellwood; and Springett Penn.

We may feel assured that the vision, the high courage, and the serene unfaltering faith that sustained him through the years of his youth and the period of cruel and unjust persecution remained to the end. Penn's highest ideal of citizenship was service; his greatest hope—the success of his "Holy Experiment"—was realized.

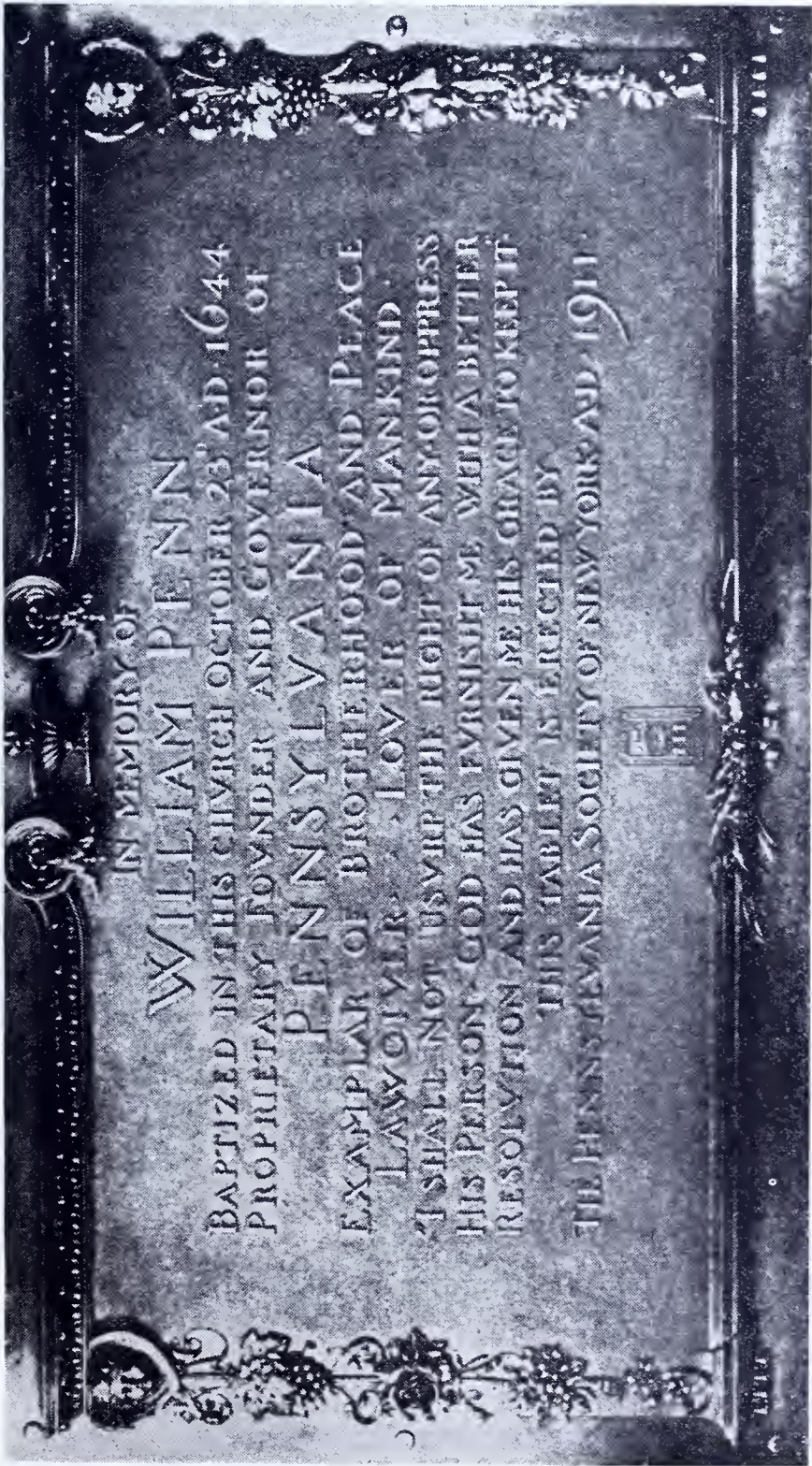
Wherever and whenever men love peace, justice and liberty and brotherhood, the name of William Penn will be loved and revered.

Loyal citizens of Pennsylvania justly feel themselves to be in a particular and special sense the spiritual kindred of William Penn; we are his heirs to the priceless heritage which he left to bless the lives of all future generations.

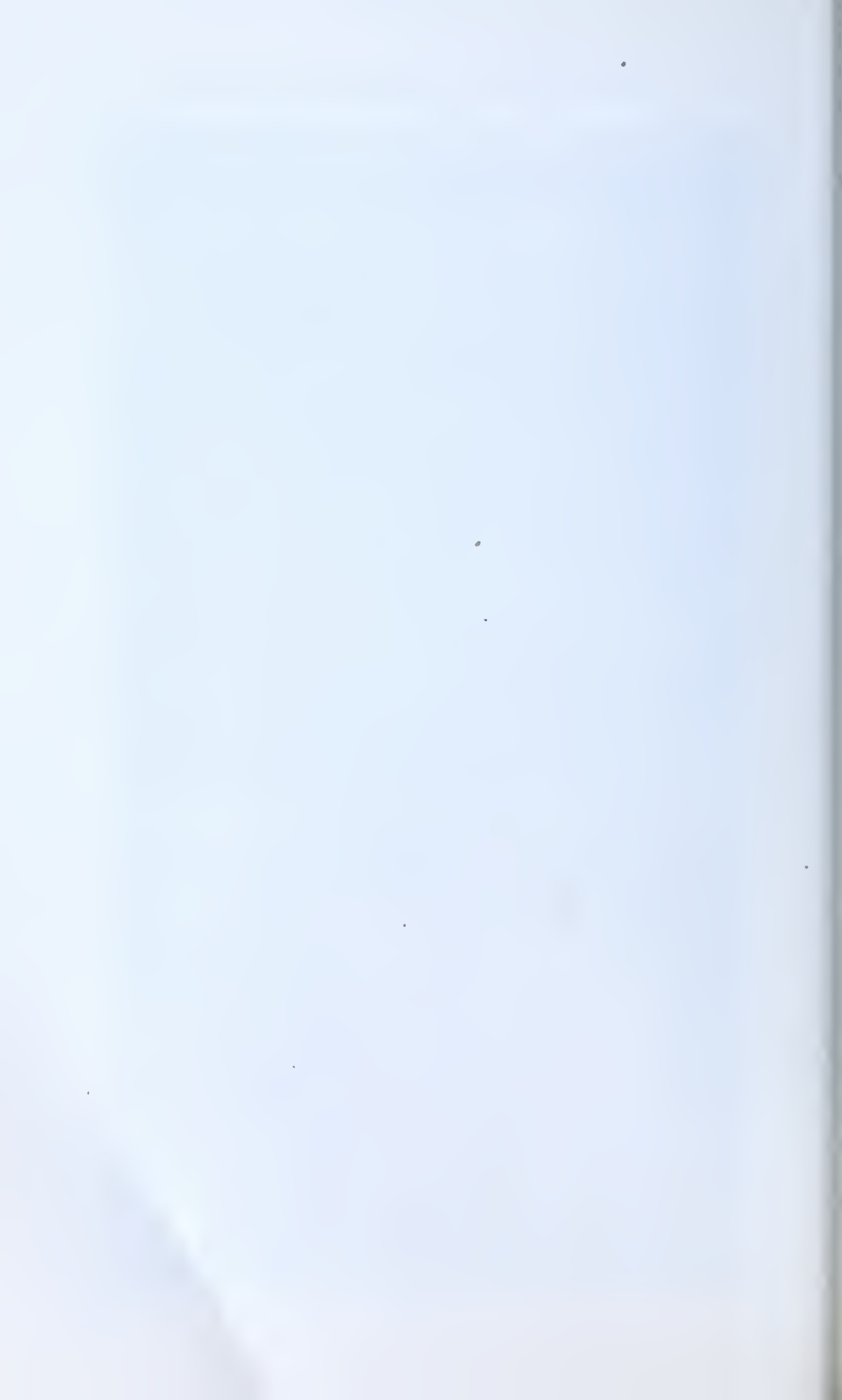
“How shall we honor them, our glorious dead?
For the high, heroic deeds of men
There is no crown of praise but deed again.”

—GERTRUDE BRESLAU FULLER

January, 1939



IN MEMORY OF
WILLIAM PENN
BAPTIZED IN THIS CHURCH OCTOBER 23RD AD 1644
PROPRIETARY FOUNDER AND GOVERNOR OF
PENNSYLVANIA
EXEMPLARY OF BROTHERHOOD AND PEACE
LAWGIVER - LOVER OF MANKIND
I SHALL NOT USURP THE RIGHT OF ANY OR OPPRESS
HIS PERSON - GOD HAS FURNISHED ME WITH A BETTER
RESOLUTION AND HAS GIVEN ME HIS GRACE TO KEEP IT
THIS TABLET IS ERECTED BY
THE PENNSYLVANIA SOCIETY OF NEW YORK AD 1911



EXCERPTS FROM PENN'S WRITINGS

"I ever have thought," said he, "there has been one true religion in the world, and that is the work of the Spirit of God in the hearts and souls of men."—*From "No Cross, No Crown"*

"Therefore honor and obey her, my dear children, as your mother, and your father's love and delight. I charge you before the Lord, honor and obey, love and cherish your dear mother."

—*From Penn's letter to his children on leaving America, 1682*

"The denial of Self and Daily Bearing of the Cross is the Alone way to the Rest and Kingdom of God."—*From "No Cross, No Crown"*

"We will be brethren, my people and your people, as the children of one father. All the paths shall be open to the Christian and the Indian. The doors of the Christian shall be open to the Indian and the wigwam of the Indian shall be open to the Christian."

—*From the Treaty Under the Elm*

DUNLAP PRINTING COMPANY
PHILADELPHIA, PA.